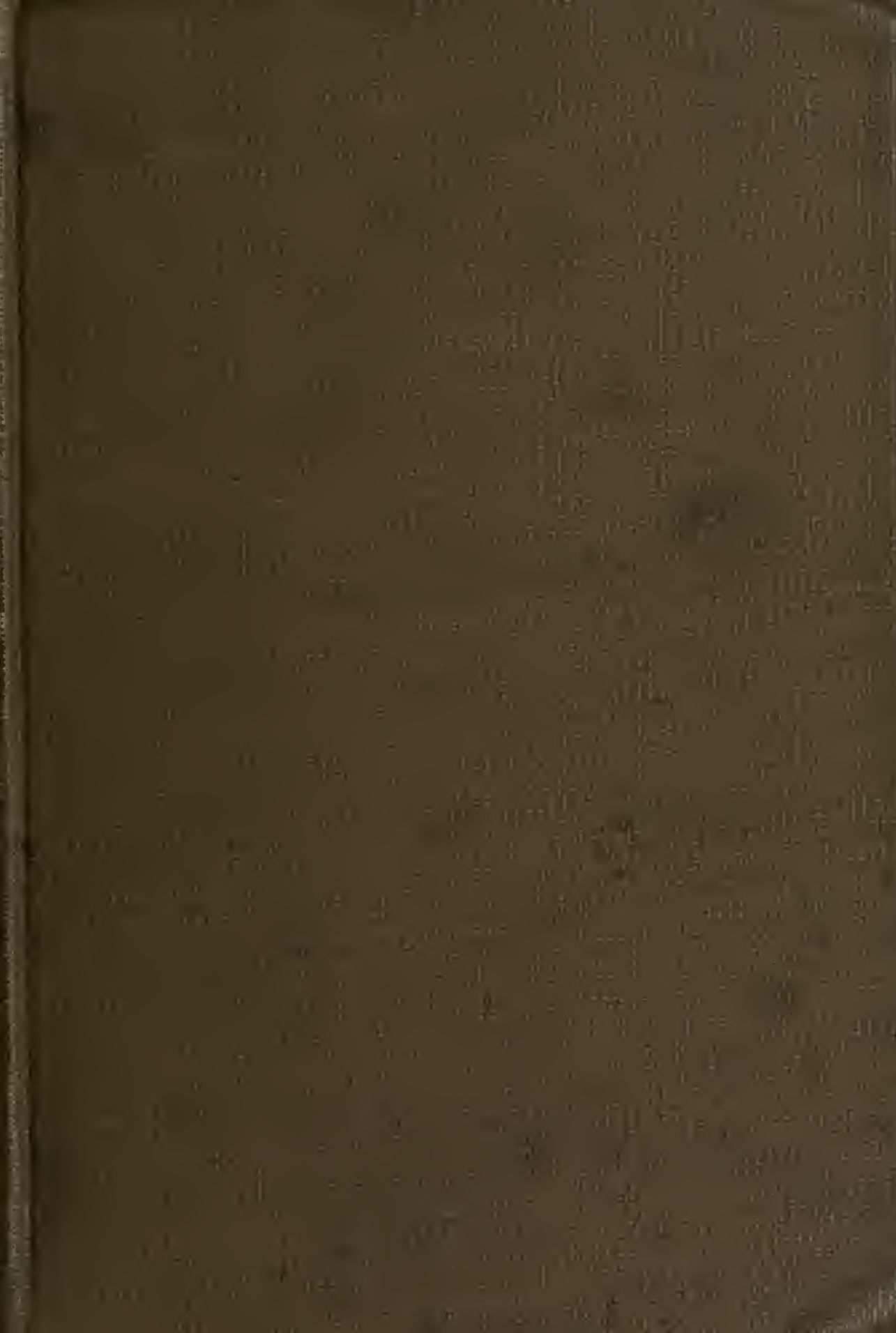
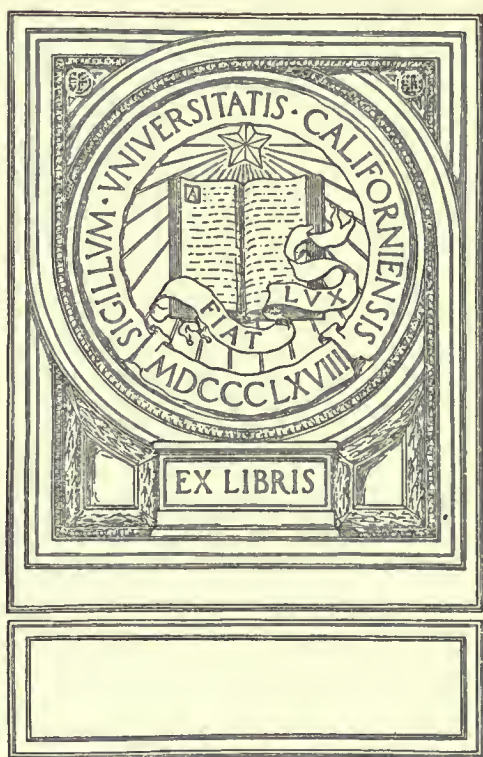
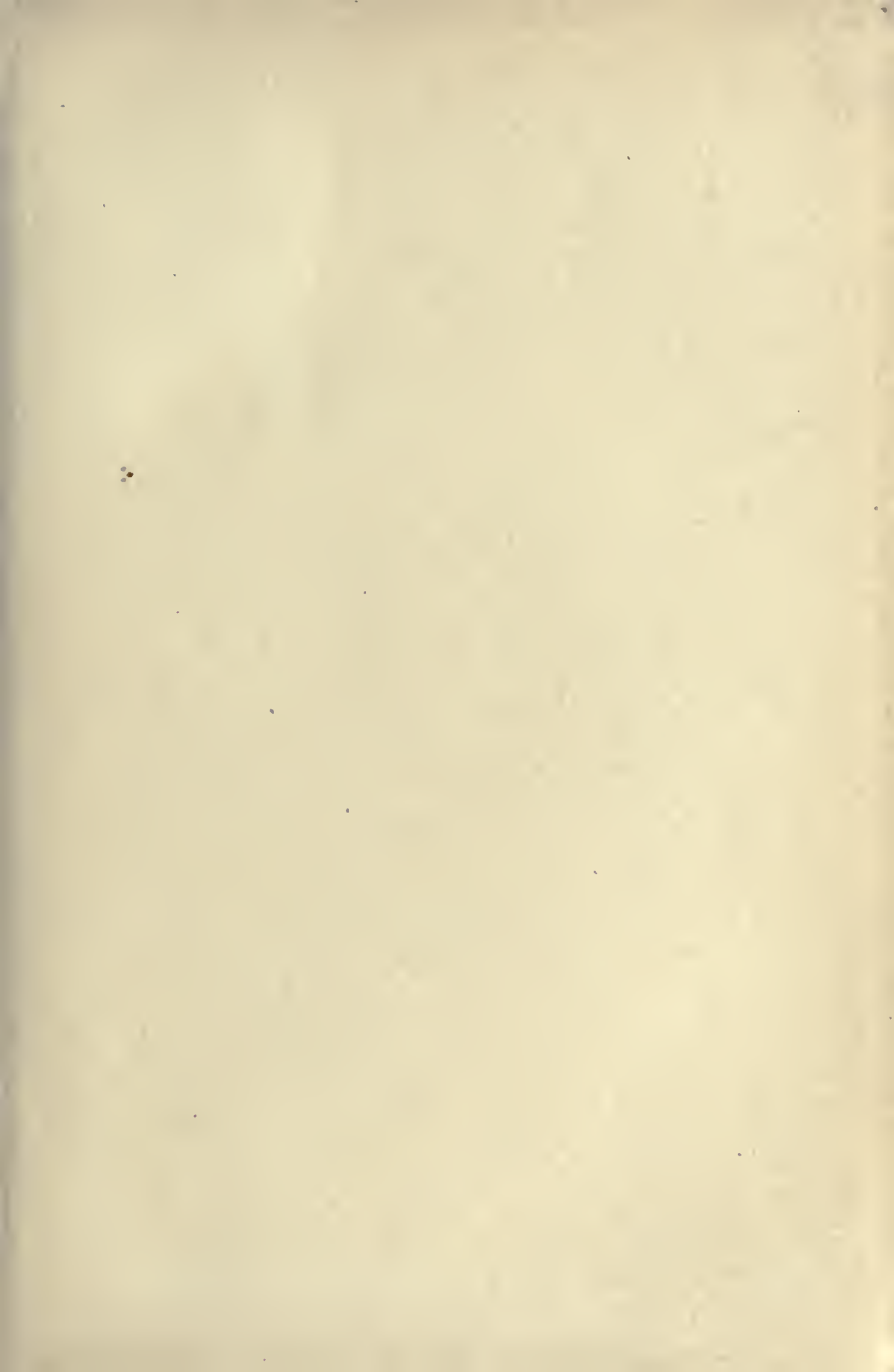










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CHICAGO
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Report of the Legislative Committee

Appointed under House Joint Resolution No. 23
of the Forty-eighth Illinois General Assembly

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Peoria, Illinois, June 11th, Nineteen Fifteen.

To the Honorable, the 49th General Assembly:

Gentlemen:

I have the honor to present, on behalf of the Illinois Legislative Voting Machine Investigation Committee, authorized and created under the provisions of House Joint Resolution #23 of the 48th General Assembly, a final report contained in four volumes of evidence, four volumes containing the abstract of such evidence with exhibits, and the final report and recommendations of said Committee, all of which is signed by a majority of the committee and most respectfully submitted for your consideration.

This Committee was unable to report at an earlier date in the session because of the following facts:—

The appropriation of \$10,000.00 was exhausted before it finished its hearings. The Citizens Association of Chicago advanced \$2500.00 to the Committee to finish its hearings and have the abstract of the testimony typewritten. The abstract was prepared in short-hand immediately after the hearings, but funds for transcribing it into typewriting were not forthcoming for nearly one year. In view of the fact that the 49th General Assembly would be expected to consider the report by the Committee, it was deemed advisable to have the abstract of testimony printed so that each member of the General Assembly might have a copy, as well as each member of the Committee. The printed abstract comprises about 800 pages. The funds for printing were guaranteed by the Citizens Association of Chicago early in May, 1915, and the typewritten abstract was in the hands of the printer within an hour after arrangements had been made for payment. The estimated cost is about \$2500.00. The work has been pushed with all possible speed to have the abstract for consideration by your Honorable Body.

The statement that Counsel for Committee drafted the report is misleading. The Chairman discussed with Counsel the testimony and the facts elicited by the evidence. The framing of the report was prepared along the lines outlined by the Chairman. The report contains undisputed facts as a reading of the abstract and the evidence will show.

Regarding the publication of the report in the Chicago

papers on June 2nd, 1915, a copy of the report for each committeeman was put into a package, sealed and sent to Springfield by express. The reports received by the reporters were obtained from members of this Committee and telegraphed to Chicago, as the slightest inquiry would show.

The criticism of the motives of the members who signed the majority report is unworthy of the members who signed the minority report.

Such criticism is unusual, and unparliamentary in minority reports or decisions and in this report is without foundation in fact.

I deem it fair to the majority of the Committee, its Counsel and myself, to make this statement.

Respectfully submitted,

LUCAS I. BUTTS,
Chairman.

REPORT OF THE LEGISLATIVE COMMITTEE APPOINTED UNDER JOINT RESOLUTION NO. 23, OF THE FORTY-EIGHTH GENERAL ASSEMBLY.

The Forty-Eighth General Assembly of Illinois, by House Joint Resolution No. 23, offered in the House of Representatives by Hon. Lucas I. Butts, April 9, 1913, directed an investigation by a Legislative Committee "of the official conduct and acts of the State Board of Voting Machine Commissioners, the Board of Election Commissioners of the City of Chicago, and any and all of the official conduct and acts of all of the election officers of the City of Chicago and the County of Cook, in whatsoever capacity heretofore or now employed"; and further, empowered the committee "to make searching investigation and exhaustive examination into the contract entered into between the Board of Election Commissioners of the City of Chicago, or its agents, and the Empire Voting Machine Company, its agents, etc."; and further empowered the committee "to make searching investigation and exhaustive examination into the organization, creation, incorporation, or establishment of the Empire Voting Machine Company, for the purpose of ascertaining the identity of its stockholders, officers, owners, trustees, agents, heirs, assigns or receivers"; and also "searching investigation and exhaustive examination into the workings, mechanism, efficiency, quality, material, manufacture, cost and sale price of the Empire Voting Machine," and into "any and all matters of whatsoever nature referred to in the foregoing preamble and in this resolution proper."

To carry on the proposed investigation, a committee of twelve, six members of the Senate and six members of the House of Representatives, was created and the following were appointed members of the committee: Senators F. C. Campbell; Richard J. Barr; J. M. Chamberlin, Jr.; Stephen D. Canaday; Frank A. Landee; Willis R. Shaw; and Representatives Lucas I. Butts; Ferdinand A. Garesche; J. H. Jayne; Robert S. Jones; R. J. Kasserman; and Edward J. King.

The committee was organized by the appointment of Hon. Lucas I. Butts as Chairman, and Hon. F. C. Campbell as Secretary of the Committee.

The committee selected as counsel for the committee, Hon. Charles S. Deneen.

At the public hearings of the committee there appeared Hon. Willard M. McEwen, representing Hon. John E. Owens, Judge of the County Court of Cook County; Mr. Charles H. Mitchell, attorney for the Board of Election Commissioners of the City of Chicago, representing the Election Commissioners;

The public hearings began on July 22d, 1913.

The general powers of investigation conferred upon the committee by the resolution of your honorable body were very broad, specific attention, however, being directed by the resolution to the purchase of voting machines from the Empire Voting Machine Company by the Board of Election Commissioners of the City of Chicago. Whilst, therefore, the investigation was by no means confined to this subject, the matters investigated related in the main to the following:

1. The proceedings of the former Board of Election Commissioners in relation to the proposed purchase of voting machines for the City of Chicago.

2. The proceedings of the present Board of Election Commissioners leading up to the adoption of the Empire voting machine.

3. The circumstances surrounding the making of the contract for the purchase by the City of Chicago of 1,000 voting machines from the Empire Voting Machine Company.

4. The fulfillment by the Empire Voting Machines purchased of the requirements of the State Voting Machine Law and the primary and general election laws of Illinois.

5. The mechanical efficiency of the Empire voting machine and its susceptibility to fraudulent manipulation.

6. The adaptability of the Empire voting machine to the meeting of election conditions in the City of Chicago.

7. Experience in the actual use of Empire voting machines in the City of Chicago in the general election of November, 1912.

8. The trustworthiness of the record of the Empire voting machines of the votes cast in the precincts in which they were used at that election.

The public hearings of the legislative committee were held in the assembly rooms of the County Commissioners of Cook County. Shortly prior to the first of these hearings, the Chairman and some of the members of the committee accompanied by counsel for the committee, visited the warehouse in which the voting machines were stored and by permission of the Board of Election Commissioners secured one of the voting machines for examination by experts employed by the

committee for that purpose. This machine was set up in a room at the Hotel La Salle, and for nearly three weeks was under examination by these experts who later appeared as witnesses before the committee and testified as to the result of their examination.

In addition to this, and also preliminary to the public hearings, counsel for the committee secured from the Board of Election Commissioners a copy of the minutes of the Board of Election Commissioners relating to their investigation of voting machines and their selection and subsequent purchase of the Empire voting machines, and the Election Commissioners, who were all called as witnesses before the committee, were examined exhaustively upon this official record of their proceedings. The minutes themselves were also introduced in evidence and form a part of the record of the Legislative investigation.

Both the minutes and the testimony at the hearings regarding the adoption of the Empire voting machines by the Chicago Board of Election Commissioners, revealed a radical difference of opinion between the members of the Board of Election Commissioners in regard to almost every step which led up to the purchase of the Empire voting machines; though both the minutes and testimony also showed that originally all the members of the Commission were agreed upon the wisdom of an examination of voting machines with a view to their purchase and use by the City of Chicago, provided a safe, efficient, and suitable voting machine should be found.

This original agreement is shown generally by the testimony of all the election commissioners, Messrs. Kellermann, Taylor and Czarnecki and specifically by the minutes, from which the following is quoted from the March 4, 1911, meeting of the commissioners, the first meeting at which the voting machine matter was taken up:

"Commissioner Taylor then moved that this Board open up competition of all existing voting machine manufacturing companies for the purpose of ascertaining whether or not there is a practical and efficient voting machine which could be installed in the election precincts in the City of Chicago under the jurisdiction of this Board, and that the chief clerk be directed to send out a letter to all the different companies manufacturing such machines inviting them to participate in the competition."

Commissioner Czarnecki seconded this motion which was then carried.

At the March 24th meeting of the Board, the second meet-

ing at which the voting machine question was considered, it was moved by Commissioner Czarnecki, that any voting machine company be permitted to install voting machines in precincts to be designated by the Board, simply for experimental purposes, as a preliminary move with a view to "starting an agitation which will probably lead to further procedure later on."

This motion was seconded by Commissioner Taylor and carried unanimously.

As appears from the minutes of the meeting of March 25th, when representatives of some of the voting machine companies objected to the installation of voting machines on such short notice on the ground that they were not prepared to install them, it was stated by Commissioner Czarnecki and Commissioner Taylor that both motions contemplated a subsequent public investigation of voting machines by the Board of Election Commissioners and that no weight would be attached to the results of the preliminary use of voting machines at the forthcoming election, and a motion to this effect was made by Commissioner Czarnecki and unanimously carried.

The policy of installing voting machines at the election for experimental purposes and the investigation of voting machines with a view to their purchase was therefore favored at the outset by all the Election Commissioners. The opposition subsequently shown by Commissioner Czarnecki to the action of the Election Commissioners in connection with the voting machine matter, had nothing whatever to do with the question of the purchase of voting machines per se. It had to do solely with the methods employed by the majority of the Board of Election Commissioners in:

1. The preparation of the specifications.
2. The terms of the specifications.
3. The time allowed for filing bids.
4. The disposition made by the Board of Protests received from voting machine companies regarding the specifications and the time for filing bids.
5. The conduct of the investigation of voting machines by the experts employed by Judge Owens and the Board of Election Commissioners.
6. The report of the experts.
7. The disposition made by the Board of Election Commissioners of protests against the report filed by voting machine companies and the protests of the Bureau of Public

Efficiency and others concerning the proceedings of the Board in regard to the purchase of voting machines.

8. The adoption of the Empire voting machines by the Board of Election Commissioners upon the report of the experts.

9. The making of the contract with the Empire Voting Machine Company.

10. The terms of the contract.

11. The failure of the Board of Election Commissioners to confer with the municipal authorities of the City of Chicago on the question of financing the purchase of voting machines, prior to entering into the contract.

The opposition of Commissioner Czarnecki to the Board's proceedings in the voting machine matter first appeared in the meeting of the Board of April 24th. At that meeting, Chief Clerk Stuart stated that "it was time to take some action upon voting machine specifications" and announced that with Attorney Mitchell he had prepared a draft of specifications which he desired to submit to the Board. Commissioner Czarnecki then urged "that the consideration and reading be deferred" and that "time be given to every commissioner to study the draft."

This motion received no second.

At the next meeting of the Board, two days later, Chief Clerk Stuart again produced his draft of the specifications which was then submitted to the Board. The specifications called for the purchase of 1400 voting machines. This was later changed to 1200 on motion of Commissioner Taylor.

Commissioner Czarnecki then moved that the date for filing bids be made August 1, 1911; whereupon Commissioner Taylor moved that it be made May 22, 1911. The latter date was adopted by the votes of Commissioners Kellerman and Taylor, Commissioner Czarnecki voting "nay."

The draft of specifications, therefore, was submitted for the first time to the consideration of the commissioners at the meeting of April 26, 1911, and the date fixed upon for the filing of bids, May 22d, was but 25 days from that date. The date suggested by Commissioner Czarnecki for filing bids was three months from the date at which the draft of specifications was first under consideration by the Board. A previous investigation of voting machines by the former Board of Election Commissioners of the City of Chicago had been made in 1909, when the specifications were dated January 15, 1909, and the time for filing bids was fixed at September 15, 1909, nine months later.

At the meeting of April 27, 1911, Chief Clerk Stuart announced that the specifications had been published and bids advertised for in the public press, and that copies of the specifications had been sent to all voting machine companies whose addresses were ascertainable.

So strongly did Commissioner Czarnecki disapprove of the terms of the specifications that he refused to sign them as commissioner and did so only officially as secretary of the Board under the compulsion of the order of the majority of the Board.

Immediately after the receipt of the specifications by voting machine companies, communications were received from them by the Board of Election Commissioners protesting against the terms of the specifications, and especially against the short time allowed for the filing of bids. A typical protest of this character is that of the American Voting Machine Company of Boston, Massachusetts, dated May 12, 1911, and submitted to the Board by Commissioner Czarnecki at the meeting of May 15th, from which the following is quoted:

"In view of the fact that your proposal did not reach our company until the 10th inst., and owing to the limited time of only 12 days in which to submit a sample which meets all the requirements of your city, and the approval of the Illinois Board of Voting Machine Examiners, this company respectfully petitions your honorable board to extend the time limit for submitting our machine to June 30th, 1911."

Similar protests were received from the Ergy Register Company; the Caulkins Voting Machine Company, the American Voting Machine Company of Wooster; the Hoosier Voting Machine Company, and other companies.

At the same meeting of the Board protests against the specifications were also received from the Winslow Voting Machine Company, and the Hoosier Voting Machine Company, and at the next meeting, May 23d, 1911, a communication was received from the Chicago Bureau of Public Efficiency, dated May 20th, 1911, criticising the action of the Board of Election Commissioners in reference to the investigation and purchase of voting machines. In this communication the whole subject matter is gone into so thoroughly that it is here quoted in full:

May 20th, 1911.

To the Board of Election Commissioners, of the City of Chicago:

GENTLEMEN:

By direction of the Board of Trustees of the Chicago Bureau of Public Efficiency, I am transmitting herewith a report on the proposed purchase of voting machines by the Board of Election Commissioners of the City of Chicago.

As stated in the report itself, the inquiry on which the report is based was undertaken when it was learned through public advertisement that bids were to be opened on May 22 for 1,200 voting machines. This work is in line with the general purpose of the Bureau of Public Efficiency to make studies of the expenditures of the local governing bodies and to furnish the public with exact information and constructive suggestion relative thereto.

The Judge of the County Court and the members of the Board of Election Commissioners and its officers and employes have been most cordial in affording to representatives of this Bureau opportunity to secure information on the subject under consideration. This report is offered not in a spirit of hostile criticism, but in the hope that it may be of suggestive value to the Board of Election and of benefit to the taxpaying public.

Respectfully submitted,
CHICAGO BUREAU OF PUBLIC EFFICIENCY,
HERBERT R. SANDS,
Director.

REPORT ON THE PROPOSED PURCHASE OF VOTING MACHINES BY
THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF
CHICAGO.

On April 27th, 1911, the Board of Election Commissioners of the City of Chicago advertised for bids for voting machines, the bids to be opened May 22. The advertisement calls for bids on 1,200 machines with delivery as follows:

Not to exceed 200 within four months of the date of signing the contract; not to exceed 300 more within nine months; the balance and final installment within twenty-one months from the date of signing the contract. The Board of Election Commissioners reserves the right to take a less number of machines at the same rate and to require the delivery of additional machines at a price no higher than that named in the original contract.

The amount of money involved in this transaction, if the number of voting machines named in the specifications should be purchased, presumably would be in excess of \$1,000,000. No well-defined plan for financing the proposition seems to have been formulated, but inquiry on the part of representatives of the Chicago Bureau of Public Efficiency disclosed the fact that neither the Comptroller of the City nor the finance committee of the City Council had been consulted upon the matter of providing funds for the purchase of voting machines. Bidders themselves are asked to name the terms and conditions of payment, particularized as to the method, time, amount, interest, etc.

Further inquiry of election officials and others by members of the staff of this bureau disclosed that the successful bidder would be expected to take in payment for voting machines purchased, evidences of indebtedness to be issued by the Board of Election Commissioners, with the approval of the County Judge, to be payable by the City of Chicago, but failed to develop what the character of such evidences of indebtedness would be, the form thereof, or what provisions were to be made for liquidating the same as they matured.

In view of this somewhat anomalous situation, the Bureau of Public Efficiency has made as full an inquiry into the subject as the limited time prior to the opening of bids would permit, the results and conclusions of that inquiry are set forth herein.

The General Assembly of Illinois in 1903 passed a law authorizing the use of voting machines in this State. By the terms of the act, election officials are authorized to submit to the voters of specified civil divisions of the State the proposition to adopt a voting machine or voting machines. When the people vote affirmatively upon such propositions the proper election officials may lease or purchase voting machines.

“The requirements which must be met by the voting machine adopted are laid down with considerable particularity in the act and provision is made for a board of voting machine commissioners, consisting of the Secretary of the State and of two other persons, who shall be mechanical experts, to be appointed by the Governor. No machine may be purchased without the certification of this state board of voting machine commissioners that it meets the requirements of the statute.

On November 4th, 1904, the general proposition to adopt voting machines was submitted to the electors of

Chicago and was approved by a vote of 229,557 for, 27,081 against. Prior to that time some experimental use had been made of machines placed on trial in a few selected precincts and immediately thereafter the Board of Election Commissioners took steps looking to the purchase of voting machines. Bids were asked and opened on three different occasions.

November 21, 1904, the Board called for bids on such number of machines as might be necessary to equip the polling places under its supervision. The following July all the bids submitted under this call were withdrawn and the manufacturers agreed to submit machines for experimental use. At the fall election of 1905 and again in the April, 1907, election, machines were so used.

The City Council having appropriated \$100,000 in the 1907 budget, advertised for bids for furnishing machines to that amount, the Board to have the right to make purchase for any part thereof. The bids received in response to this advertisement were opened October 31, 1907, and purchase thereunder deferred, pending the examinations of the machines by the Board's experts. These tests were commenced immediately and continued until March 23, 1908, when the Board decided not to purchase at that time. (Pending this decision the City Council again in the 1908 budget appropriated \$100,000 for the purchase of machines.) Serious objection to the mechanical construction of the machines was assigned as the reason for rejecting the bids.

January 15, 1909, the Board again advertised for bids to be opened September 15th of that year. It was proposed to purchase machines to such an amount, not to exceed \$100,000, as the Board might determine. In response to this call four machines were offered in competition, the names of the machines and the prices bid being as follows:

Empire, \$925, with primary attachment, \$50 additional.

Willix, \$1,050.

Triumph, \$900, with instruction model, \$925.

Winslow, \$900.

After these machines had been tested by experts the Board rejected all the bids and in so doing rendered a decision which was in part as follows:

As in the previous investigation, the machines were thoroughly inspected and tested by three mechanical experts at the instance of the Board. Their detailed re-

ports show that while substantial improvements have been made within the past year, yet there are still remaining such defects in the mechanical arrangements of all the machines submitted as to preclude their practical use in this city.

This Board is of the opinion that among the many necessary essentials required by the specifications none is of greater importance than that which requires a machine to record the vote in strict compliance with the law, and absolutely prevent a person voting for more candidates than there are officers to be elected.

A machine which can be so manipulated as to permit a voter to vote for more candidates than the law permits is fatally defective and its use would only be productive of protest and costly litigation.

Each machine is found to be seriously defective and their purchase at this time impracticable; therefore, all bids will be rejected.

The defect in each machine will be shown to the representative of that machine.

This Board in response to an overwhelming vote on the proposition has faithfully tried to find a satisfactory voting machine. Our efforts so far have been in vain. We do not know when we will advertise again for bids, if at all, but we desire to purchase voting machines as soon as one that is satisfactory is presented.

Therefore, we desire to announce that if any time after the first day of December, 1909, any one believes that he or they have a voting machine that will answer our purposes, we invite you to bring it to the Board and the same will be inspected.

It seems to us that this will be a proper time again to give all the suggestions we are able to in reference to the kind of a machine that the Board wants to buy.

First. The machine must allow voting in accordance with the laws of the State of Illinois.

Second. The machine must prevent any voting not in accordance with the laws of the State of Illinois.

Third. It must be accurate, positive and incapable of fraudulent manipulation.

Fourth. We want as small a machine as is practicable.

Fifth. We want as light a machine as practicable.

Sixth. And, taking all the foregoing into consideration, we want as cheap a machine as possible.

Seventh. When such a machine is presented to us a purchase will be made.'

In response to the foregoing invitation, during the spring and summer of 1910 three machines were submitted and were examined by mechanical experts employed by the Board. None of these machines received the unqualified endorsement of the experts.

Although many improvements had been effected in the interim, it was the opinion of these men that it was not then advisable to purchase a large number of machines and that improvements were to be looked for in the future. The machines on which the mechanical detail had been more satisfactorily worked out were said to be large, heavy, difficult to handle and store and not easily set up and adjusted—in this connection affording opportunities for careless or dishonest officials to nullify the operation of the machine.

Early in the present year the new Board of Election Commissioners that came into office last December took up for consideration the subject of the purchase of voting machines. On April 27th, as stated at the outset of this report, the Board decided to advertise for bids for 1,200 voting machines, the bids to be opened on May 22nd. Prior specifications had limited the bids for machines to the number that could be secured for \$100,000.

There are numerous objections to the purchase on one order of so large a number of voting machines as 1,200. According to the experts who have made examinations heretofore for the Board of Election Commissioners, the voting machine is still in somewhat of an experimental state and substantial improvements may be looked for in the future.

The Chicago situation presents unusual obstacles to the successful use of voting machines. Among these are the long ballot made necessary by the large number of offices to be filled at some elections; the group voting for certain offices, such as judges and county commissioners; and the system of cumulative voting for members of the lower House of the General Assembly, which is peculiar to Illinois. The fact that women may vote for University Trustees but not for other officers requires a restrictive device that introduces additional complications. The long ballot necessitates the use, in Chicago, of a larger and heavier machine than is required in other cities that have adopted voting machines. The size and

weight of the machine causes it to present problems of transportation, of storing and of setting up in the voting booth. There are special complexities due to the use of the voting machine at a primary election at which nominations are to be made for a large number of offices.

Aside from the mechanical operation of the machine itself there are other elements of uncertainty connected with the use of voting machines than for experimentation and caution. It cannot be told until the actual trial is made how rapidly the voting can be done by machine, even assuming the mechanism to operate perfectly so far as all except the human element is concerned. This Bureau learns that in Minneapolis, where voting machines are in use, the voting has been so much slower than anticipated that it has been found necessary to install two machines to a precinct of 600 voters, instead of one. The Illinois law contemplated a single machine to a precinct of 600 voters. Then there are problems of transportation and storage and the proper setting of the machines in the booths. Three of those machines will make a truckload and it will require at least three men to handle one. Skilled persons will be required to set them up when taken from the storage room to the voting booth. It would seem that the Board of Election Commissioners ought to acquire experience in handling 50 or 100 machines before undertaking the burden of managing 1,200. This experience, moreover, should be in connection with the most trying elections such as the primary of April, 1912, and the election of the following November, when the long ballot must be voted.

The voting machine law contemplates that following the adoption of machines the number of voters to a precinct will be doubled and the number of precincts thus reduced by half. The statute directs the rearrangement of precincts so that each precinct shall contain approximately 600 voters. On the basis of the present registration, this would give only 705 precincts. As there is supposed to be but one machine to a precinct with possibly an extra machine to a ward for emergency purposes, it is hard to see why more than 750 machines at the outside should be needed if the requirements of the statute are to be followed. One of the chief arguments in favor of voting machines is that they will bring about a substantial decrease in the cost of holding elections.

Unless this contemplated reduction in the number of precincts is made, the desired saving will not be effected.

The financial aspect of this affair also calls for serious consideration. The Board of Election Commissioners, with respect to finances, occupies a somewhat anomalous position. Under the law some of its expenses must be paid by the County of Cook, others by the City of Chicago. The Board claims, and probably rightly, so far as ordinary expenses are concerned, that it has the power to incur liabilities, for the payment of which provision must be made by the City or County, as the case may be.

The Board appears to assume, and perhaps rightly, that this power to incur indebtedness in the name of the City, without the consent of its officers, is broad enough to include the purchase of voting machines to the amount of \$1,000,000 or more.

The manner in which this obligation is to be provided for is not clear. The financial officers of the City have been in no way consulted in the matter, and it evidently is the intention of the Election Commissioners to issue in payment evidences of indebtedness in some form which shall be payable by the City. Whatever power there is to do so (except as to warrants issued by the County Judge under the City Election Law) is to be found in Section 5 of Voting Machine Law, which is as follows:

'The local authorities, on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment therefor in such manner as may be deemed for the best interest of the city, village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such times or time as the authorities may determine, but shall not be issued or sold at less than par.'

So far as investigators for this Bureau have been able to learn there are in the records of the office of the Election Commissioners no written legal opinions covering this point, nor has it been passed upon by the courts.

For the purpose of this discussion, however, the legal power of the Board of Election Commissioners to issue without conference with the city authorities evidences of indebtedness which the city must pay, is a matter of less

moment than the wisdom of the course. With reference to ordinary expenditures the Board, while holding that it is not bound in law to request appropriations from the City Council, does go through the form of stating its wants to that body and of having appropriations made for it, as is done for other departments of the city governments. This is the course which the Board ought to pursue. Any other procedure would tend to demoralize the finances of the city. The power conferred by law upon the Election Commissioners to compel the city to pay its expenses was not intended for arbitrary or whimsical use, but only as a safeguard to prevent a contumacious city government from interfering with the election processes by wantonly refusing to make appropriations for the necessary expenses thereof.

If this is the correct view with respect to ordinary expenditures involving comparatively small amounts, the same reasoning, of course, would apply with still greater force to the proposition to incur obligations of large amounts for extraordinary purposes, such as the purchase of voting machines. Public opinion should demand that the Board of Election Commissioners confer with the financial officers of the city prior to the incurring of obligations of \$1,000,000 or even for \$100,000, the amount which the prior Board planned to spend for voting machines. The prior Board did, as a matter of fact, twice secure Council appropriations for \$100,000 for the purchase of voting machines, in advance of the opening of bids, which appropriations were not drawn upon because the machines were not actually purchased. Action by the City Council in advance, whether necessary in law or not, is essential from the viewpoint of public economy. Evidences of indebtedness issued by the Board of Election Commissioners, without previous council approval, would occupy such a novel status that they would of necessity have to carry a higher rate of interest to enable them to sell at par. The city can borrow for about four per cent. Obligations of the Board of Election Commissioners presumably would carry a rate at least one per cent. higher, and one per cent. on \$1,000,000 amounts to \$10,000 a year, a sum worth saving. Not only should the financial officers of the city be consulted in advance of the issuances of such evidences of indebtedness, but they ought to be consulted in advance of the advertisement for bids. For certainty as to the plans for payment

might be a factor with bidders in fixing the prices quoted; the more definite and clear the arrangement for prompt payment the lower the price.

In reply to what has been stated herein it may be said that the Board of Election Commissioners, while it has called for bids on 1,200 machines, might not decide to purchase that number. It has the right under the specifications to take a smaller number than 1,200, or to reject all the bids. The requirement that every bidder must submit with his bid a certified check for 5 per cent. of the amount of the bid in all probability means a check for approximately \$50,000. This sum might be so large as to deter some bidders. If it be not the plan to purchase 1,200 machines, the amount of the deposit should be less. The requirement as to the delivery of the machines, in case an order for 1,200 is placed, would also seem to be so severe that strict compliance with the specifications in this respect would be out of the question for most bidders, if not all.

The main conclusions reached as the result of this inquiry may be summarized as follows:

1st. The number of voting machines to be purchased in the near future should be limited to one hundred at the most; and the purchase of a greater number of machines should be postponed until after trial at the primaries of April, 1912, and at the election of November, 1912, of such limited number of machines.

2nd. The Board of Election Commissioners should seek to secure the co-operation of the financial authorities of the city in advance of action looking to the purchase of voting machines, whatever the amount involved.

In offering these suggestions, the Chicago Bureau of Public Efficiency wishes to be understood as in nowise hostile to the adoption of voting machines. It merely urges the policy of experimentation and caution which it believes is demanded by ordinary business prudence, in view of the difficulties and uncertainties of the situation, which are greater for Chicago than for any other city in the land."

Upon presenting these communications to the Board, Commissioner Czarnecki moved that the protests be taken up for consideration and disposed of at the following meetings of the Board. His motions received no second. Commissioner Taylor moved that these communications be placed on file and his motion was carried by the votes of Commissioners

Taylor and Kellermann; Commissioner Czarnecki voting "nay." None of these protests received further consideration of any kind.

Commissioner Czarnecki thereupon moved that the bids be not opened until Thursday and that notice be given the companies of a two months' extension of time for filing bids. Commissioner Czarnecki's motion received no second. On motion of Commissioner Taylor the meeting adjourned.

Commissioner Czarnecki further moved that "this Board now resolve, in view of Section 6 [of the specifications] which authorized the Board to purchase any number of the full number of machines that are purchased be the first installment of one-tenth of the 1,200 and that we do not purchase any more until that one-tenth is tested and tried out at the primaries of 1912."

Commissioner Czarnecki's motion received no second and the opening of bids was proceeded with:

After the opening of bids, three experts were selected by the Board of Election Commissioners to examine voting machines submitted. These experts later made their report dated June 20th, 1911. It is a report on "the actual and relative merits of certain voting machines which the Board of Election Commissioners have received proposals for." The relative and qualified character of the recommendations made by the experts as well as the general character of their report may be seen from the following extracts from the report on the Empire voting machine:

"Because of the absence of the party-lever which in other machines operates each of the individual keys of that party, split voting must be done by pulling down individually the keys which represent the candidates to be voted for, and this on a 70-key board will scarcely be done within one minute's time permitted to each voter in the voting booth. It also makes it necessary to add the ballot cast on the party-key to these on the individual key.

The Empire has no provision to restrict the number of inspections or the number of times which the judges of election may have access to the counters."

The experts report possibilities of fraud on the Empire machine as:

"Possibility of fraud by judge, wrong setting of counters.

Fraud by custodian; same.

Provision for three inspections; none."

The experts' report further states:

"Provision for a prescribed and limited number of inspections of counters by election judges before and after the hours of voting, your experts consider highly desirable. Provision for limiting the number of inspections by judges is made in the International machine and the Winslow machine, but is not provided in the Triumph or the Empire."

Concluding their report, the experts say:

"Taking the machines as submitted and allowing for such changes as manufacturers would doubtless be glad to make if requested, your commission gives them the following relative rating for general adaptability to your purpose."

Having called the attention of the Board of Election Commissioners to the various defects mentioned, the experts then find that the Empire voting machine is the best of the machines submitted for their investigation.

It was upon this recommendation that both the subsequent purchase of voting machines by the Board of Election Commissioners of the City of Chicago and the opposition thereto by Commissioner Czarnecki was largely predicated.

The meeting of the Board on June 30th, 1911, Commissioner Czarnecki moved, in view of the silence of the experts' report concerning the adaptability of the Empire machine to group voting, "that the adaptability of the machine in that regard be tested before proceeding further in the voting machine matter."

Commissioner Czarnecki's motion received no second.

Commissioner Taylor observed that since the report was silent upon group-voting device, they "had found no objection thereto."

Commissioner Taylor therefore moved "that this Board do at once proceed to arrange for the purchase of 1,000 voting machines."

Commissioner Czarnecki thereupon renewed his motion to limit the first purchase of voting machines to 120.

Commissioner Czarnecki's motion received no second.

Commissioner Czarnecki moved that the attorney for the Board be required to furnish an opinion with reference to financing the purchase of voting machines.

Commissioner Czarnecki's motion received no second.

The attorney for the Board then stated that he furnished an opinion to the court and that it would be delivered to the Board in due time.

Commissioner Czarnecki then renewed his motion that the Board of Election Commissioners confer with "the city officials in charge of Chicago's finances, namely, the Mayor, City Treasurer, City Comptroller, Chairman of the Finance Committee, and the Corporation Counsel, as to the method of financing the purchase of voting machines before any action is taken definitely by this Board."

Commissioner Czarnecki's motion received no second.

Commissioner Czarnecki moved:

"I move that the Empire Voting Machine Company be ordered to produce before this Board a machine which will have the objections of weight, cumbersomeness, lack of restriction of inspections, the inability of the voter casting a straight party vote to see any indications as to the names of the candidates he votes for or against, of the absence of the party-lever, the absence of any printed record of the counters before and after the voting takes place, the absence of the grand total of both straight and individual vote at the close of an election, and other imperfections cured and corrected before the question of passing upon its merits or awarding the contract to that company is resolved upon."

Commissioner Czarnecki's motion received no second.

Commissioner Czarnecki moved for

"the public inspection of all voting machines provided for in Section 18 of the specifications, at which the bidder will be required to have present a person competent to demonstrate in every particular the operation of the machine offered in bid."

Commissioner Czarnecki's motion received no second.

Commissioner Czarnecki moved

"that before the purchase of 1,000 voting machines involving large expenditure to be proceeded with, the question of such purchase be submitted to the people."

Commissioner Czarnecki's motion received no second.

Commissioner Taylor's motion to proceed with the purchase of 1,000 voting machines was then seconded by Commissioner Kellermann and carried by the votes of Commissioners Kellermann and Taylor; Commissioner Czarnecki voting "nay."

Protests against the award of the experts and the making of the contract with the Empire Company and a demand for the return of checks were then received from Winslow Voting Machine Company, the Triumph Voting Machine Company and the International Voting Machine Company.

Mr. Hall, of the International Voting Machine Company, also called attention to the fact that "all drawings, instructions, data and information to the Board, in sealed packages, were returned unopened with the seals unbroken to the company."

Mr. Winslow, of the Winslow Voting Machine Company, stated that "his packages of drawings, plans, information, printed data, had not been opened from the time he turned it over to the Board of Election Commissioners, and that the seal thereon was unbroken, and that he protested against such ignoring of the specifications."

Dr. Taylor suggested that if the companies desired to present a protest they do so in writing.

Commissioner Czarnecki submitted written protests from the Triumph Voting Machine Company, the International Voting Machine Company, and the Winslow Voting Machine Company. Commissioner Taylor thereupon moved that these protests be placed on file.

Commissioner Czarnecki moved "that the Board rescind its action with reference to notifying the Empire Voting Machine Company that the Board is ready to enter into a contract" and that "the three companies complaining and protesting have an opportunity to reply to the experts' report; and that the entire subject may be reopened and begun anew."

Commissioner Czarnecki's motion received no second.

Commissioner Taylor moved that the protests be placed on file, which motion was seconded by Commissioner Kellermann and passed by a vote of two to one; Commissioner Czarnecki voting "nay."

Other motions were then submitted by Commissioner Czarnecki, providing for a final test of the Empire voting machine before acceptance, and requiring a deposit of \$25,000 to guarantee the production of a sample machine with 9-party columns, 70 keys, by the Empire Company by October 23d, 1911.

Commissioner Czarnecki's motions received no second.

Mr. Winslow, of the Winslow Voting Machine Company, then addressed the commission and asked Commissioner Kellermann:

"Chairman Kellermann, do you know of any public examinations held under Section 18 of the specifications?"

To which question Chairman Kellermann answered:

"I know of none."

Mr. Hall, of the International Voting Machine Company,

protested against the failure to have a public examination as provided by Section 18. He characterized the report of the experts as libelous and unfair and declared that the matter would be carried to the courts by his company.

At the meeting of July 21st, 1911, Commissioner Czarnecki submitted and read the following communication from the experts appointed by Judge Owens:

*"Honorable John E. Owens,
Judge of the County Court,
County Building, Chicago, Illinois.*

SIR:

Your commission of experts which formerly inspected and reported on the four voting machines for which the Board of Election Commissioners received bids, having since examined a 70-key, 9-party machine built by the Empire Voting Machine Company, and finds as follows:

The 70-key, 9-party machine differs from the 50-key, 7-party machine in the following particulars:

The 70-key, 9-party machines are provided with a releasing lever attachment which must be thrown before it is possible to operate the individual candidate keys.

The 50-key, 7-party Empire voting machine formerly examined did not have this releasing lever attachment, and we are told that the 70-key, 9-party machine which the Empire Voting Machine Company proposes to furnish will not have the attachment, which attachment your commission considers undesirable.

In the 70-key, 9-party machine, provision for independent voting by written ballots on the paper roll is identical with the arrangement on the 50-key, 7-party machines, except that in the 70-key, 9-party machines the slots in the casing, through which the voter obtains access to the paper roll are one-half inch shorter than they are in the 50-key, 7-party machines; also the shaft on which the roll of paper is carried, is provided with a release attachment so that when the machine is used for exhibition the roll may be disconnected.

Your commission recommends that slots of ample length for independent voting be provided and that the releasing attachment on the shaft which carries the paper roll be omitted, thus making the design of the 70-key, 9-party machine conform in this respect to the design of the 50-key, 7-party machine formerly examined.

Your commission finds that the mechanical principles

of the Empire voting machine are applicable to a machine of 70 keys, or 100 keys, or of double that number.

Your commission did not have facilities for weighing the machine and therefore is unable to state of its own knowledge what the weight actually is.

Respectfully submitted,

W. L. ABBOTT,
PAUL M. CHAMBERLAIN,
WILLIAM WOOLEY."

In view of the defects found and qualified approval given to the Empire machine in this report, Commissioner Czarnecki moved that in view of defects in the 9-party, 70-key sample voting machine, namely, the releasing lever attachment, which the experts declared to be undesirable; and the slots for independent voting, which the experts considered too small; and in view of the fact that the Empire Voting Machine Company still had more than two months in which to furnish a sample voting machine in all respects the same as the machines to be purchased by the City of Chicago, the Board of Election Commissioners defer further action until such sample voting machine was actually submitted to the Board of Election Commissioners.

Commissioner Czarnecki's motion received no second.

Commissioner Taylor thereupon offered a resolution declaring "any two members of this Board, together with the Chief Clerk of this Board, are hereby authorized and instructed to execute and deliver a written contract" to the Empire Voting Machine Company for the purchase of 1,000 voting machines at the aggregate price of \$942,500.

A copy of the contract with the Empire Voting Machine Company was attached to this resolution, copies of which were then furnished to the commissioners and the contract read aloud by the attorney for the Board.

Commissioner Czarnecki then stated that this was the first time he had seen the contract, and asked for time to read and consider it with a view to offering amendments such as a penalizing clause and other matters which were missing from the contract as drawn.

Commissioner Taylor objected to the delay.

Commissioner Kellermann then put Commissioner Taylor's motion for the approval of the contract, which was carried by a vote of two to one; Commissioner Czarnecki voting "nay."

The above matters taken from the minutes of the proceed-

ings of the Board of Election Commissioners, disclose the circumstances surrounding the investigations and purchase of voting machines by the Board of Election Commissioners of the City of Chicago, so far as they appear in its official record. They justify the statement made at the beginning of this report that the opposition displayed in the meetings of the Board of Election Commissioners by Commissioner Czarnecki had nothing whatever to do with the merits of voting machines.

A reading of the communication of the Bureau of Public Efficiency; of the newspaper comments, some of which were introduced into the records of this investigation, and of the protests filed by the voting machine companies with the Board of Election Commissioners; also shows that the opposition to the voting machine investigation and purchase did not arise from any opposition to the use of voting machines at Chicago elections or the purchase of voting machines by the City of Chicago, but rested upon substantial grounds of objection to the methods adopted by the Chicago Board of Election Commissioners in regard to the purchase of Empire voting machines.

The unfavorable impression as to the course adopted in the purchase of Empire voting machines created by an examination of the minutes of the Board of Election Commissioners, was in no way changed or modified, but was much strengthened by the testimony received at the hearing before the legislative committee. The testimony of the State Board of Voting Machine Examiners, by members of the former Board of Election Commissioners, by members of the present Board of Election Commissioners and the other testimony offered concerning the purchase and use of voting machines in the City of Chicago was decidedly adverse and strongly discredited the course followed by the Board of Election Commissioners.

It is true that the two members of the State Commission of Voting Machine Examiners testified that they had certified that the Empire machine "complied with the state law." But this certificate had been given by the State Board to every voting machine submitted to it, except one, an incomplete machine, and was of no value in determining the practical questions presented to the Chicago Board of Election Commissioners when they came to consider the purchase of voting machines for use in the City of Chicago. Moreover, both members of the State Board of Voting Machine Examiners also testified at the hearing before the committee that the Em-

pire voting machine was subject to fraudulent manipulation by the custodian and by the judges of election, and one of them, Morris Emerson, stated that he thought voting machines impracticable "under the present primary law."

The investigations made by the former Board of Election Commissioners had led uniformly to the same conclusions by the Board. The reports made by the experts employed by the former Board had been unfavorable to voting machines and had been accompanied by recommendations that they be not purchased by the City of Chicago. The result of all the investigations made had been rejection by the former Board of Election Commissioners of all machines submitted.

To the same unfavorable effect as the reports of the experts employed in previous investigations, was the testimony of the experts employed by the legislative committee, Messrs. Clarence E. Depuy, connected with the Lewis Institute, and in charge of the department of machine design; George O. Olson, president of the Fort Dearborn Manufacturing Company, and O. A. Leutweiler, teacher at the University of Illinois, in the department of mechanical engineering.

All of these experts had been employed by the former Board of Chicago Election Commissioners and had previously examined the machines submitted to the present Board. They had also made thorough examination of the machine furnished to the legislative committee by the Chicago Board of Election Commissioners, and their testimony is, in part, a resume of that examination and of their findings therein. Their examination of the voting machine and their testimony on the hearing showed that the Empire voting machine is not only unsuited to meet election conditions in the City of Chicago, but is subject to various forms of fraudulent manipulation by the custodian, by the judges of election, and by the voters using the machine.

An Empire voting machine was present in the room in which the hearings were conducted and upon this machine these experts undertook to demonstrate the frauds to which they had discovered the Empire voting machine was susceptible. By the use of an "angle steel," that is, a thin piece of steel bent at an angle, placed in the slide for independent voting, and which remained undetected, despite the most searching examination by members of the committee who had been notified in advance that the machine had been tampered with, the operation of the slide and its use by the voter were prevented.

It was shown that judges of election, by inspection of the

counters before and after a voter had cast his vote could see how the voter had voted, destroying the secrecy of the ballot; and that by repeated inspection of the counters the judges could tell how the election was going in any precinct.

In this connection, it must be remembered that one of the defects in the Empire voting machine pointed out by Judge Owens' commission of experts was "unlimited inspection by judges" and that the report recommended that this defect be remedied.

It was shown that the custodian, when setting up the machine for use at elections, could set the counters of a candidate for any office a number of votes ahead and the counters of his opponents a similar number behind, and by use of paper "zeros" pasted over the figures on the counter-wheels prevent discovery of the fraud by the election judges and that the mere operation of the machine in the election would destroy all evidence of the fraud.

It was shown that by a wire clip, or a rubber band, the operation of the voting keys could be interfered with or prevented, so as to prevent the recording of votes for the candidate whose voting key had been tampered with.

In short, the examination made by the experts employed by the legislative committee showed the Empire machine to be so susceptible to fraudulent manipulation, especially by the custodian, that one of them, Prof. O. A. Leutweiler, testified (printed abstract page 390) that, if custodian, he could falsify any election.

Moreover, regardless of its special defects and great susceptibility to fraudulent manipulation, the experts employed by the committee agreed that the Empire voting machine is not of a type adapted to meet Chicago election conditions. The great number of candidates at primary election; the restrictions on women voters; the cumulative voting system, peculiar to Illinois; present difficulties all but insuperable to this type of voting machine. One of the experts went so far as to say that any voting machine which requires the voter to monopolize the machine during the casting of his ballot cannot meet Chicago election conditions because the average voter will take too long a time to vote.

Our Supreme Court has already decided in the case of *People, ex rel Hull, vs. Taylor, et al*, 257 Ills. page 192, in an opinion handed down December 17, 1912, that the average voter cannot vote upon the Empire voting machine in a minute. This was clearly shown, also, by the experimental voting at the hearing of the committee.

Many of the defects pointed out in the testimony of the experts, employed by the committee, have, for the sake of brevity, not been described, but can be found by reference to the abstract of testimony accompanying this report, at pages 309 to 393.

Opposition to the voting machine proceedings of the Chicago Board of Election Commissioners was, therefore, not only practically the unanimous opposition of all who had given the voting machine and Chicago election conditions adequate or serious consideration, but it was an opposition thoroughly fortified with facts.

This was the situation in the voting machine matter, when the question of entering into a contract with the Empire Voting Machine Company for the purchase of 1,000 voting machines came before the Chicago Board of Election Commissioners for consideration.

As before stated, the contract was submitted to the Chicago Board of Election Commissioners at its meeting of July 21st, 1911, and Commissioner Taylor at once moved for its adoption and asked for authority to execute it. It will be remembered that the last report of the Election Commissioners' experts had called attention to a number of defects and suggested certain changes in the Empire voting machine. In view of this there was excellent reason for the following motion made by Commissioner Czarnecki at the meeting at which the contract was submitted:

"Commissioner Czarnecki: Let's get this thing clear; does this resolution adopt and approve this contract?"

Commissioner Taylor: Yes, and I want the authority of the majority of the Board to execute this contract.

Commissioner Czarnecki: Is it out of order to study over this contract with the view to offering amendment to it? This is the first time I have seen the contract. There are things that I might submit that would meet with your approval. There is a penalizing clause, and there are other things that are missing. Surely, gentlemen, you will give me sufficient time for that. I ask it and I move it."

This motion of Commissioner Czarnecki received no second and he was not afforded time to consider the contract or to offer amendments.

In face of this strong opposition to the purchase of voting machines, inside and outside of the commission, the majority members of the Chicago Board of Election Commissioners proceeded to make a contract with the Empire Voting Ma-

chine Company for the purchase of 1,000 voting machines at a cost of \$942,500. Contrast this action with that of the former Board of Election Commissioners in regard to the financial side of the voting machine question. That Board had conferred in advance with the city authorities with regard to the financing of their contemplated purchase of voting machines, if a suitable machine should be found, and had asked for an appropriation of \$100,000 to cover any initial purchase that might be made. As all machines were rejected, this appropriation was never used.

This action of the former Board had been brought especially to the attention of the present Board of Election Commissioners and among the suggestions offered by those who criticized the course of the commission in regard to the purchase of voting machines—a suggestion strongly urged in the communication of the Chicago Bureau of Public Efficiency and also, in the form of a motion, by Commissioner Czarnecki—was that the initial purchase of voting machines should be limited to 100 or 120 instead of the 1,000 called for by the proposed contract.

Not only this, but the specifications sent out to bidders by the commission itself provided that the Board of Election Commissioners might, if it desired, purchase a smaller number of machines than 1,200, the number of machines mentioned in the specifications.

No attention was paid to these suggestions by the Board of Election Commissioners and the motion of Commissioner Czarnecki, like its predecessors, received no second.

The further suggestion that the Board of Election Commissioners confer with the city authorities regarding the financing of the voting machine purchase, also offered by the Chicago Bureau of Public Efficiency and presented in the form of a motion by Commissioner Czarnecki, met the same fate and the contract for the purchase of 1,000 Empire voting machines was executed by the Chicago Board of Election Commissioners and the Empire Voting Machine Company and the delivery of voting machines by the company to the City of Chicago was begun.

In the meantime, other matters, which became the subject of investigation by the legislative committee, had come to the knowledge of some of the members of the Illinois General Assembly. These matters related to the methods employed by the agent of the Empire Voting Machine Company in securing the contract for the purchase of Empire voting machines by the City of Chicago. It appeared that

this agent, a man named H. W. Barr, had also acted as agent for the Empire Company in its negotiations with the authorities of Wapello County, Iowa, for the purchase of voting machines by that county. On Decoration Day, 1913, Hon. Thomas A. Boyer, a member of the Illinois General Assembly, while visiting relatives at Washington, Iowa, met Hon. L. L. Duke, former city attorney of Ottumwa, Iowa, which is situated in Wapello County. Upon learning that Mr. Boyer was a member of the Illinois General Assembly, Mr. Duke inquired of him whether he knew Mr. Butts, Chairman of this legislative committee, who, a short time previously had introduced House Joint Resolution 23 under which this committee has conducted its investigations. Mr. Boyer told Mr. Duke that he knew Mr. Butts very well, whereupon Mr. Duke said, "I am interested in this investigation that I hear is started." "I am attorney for three Ottumwa men, who have a claim for \$1,500 against the Empire Voting Machine Company, and I am trying to collect it." "I believe I can collect it, maybe, through a little publicity." Thereupon Mr. Duke handed to Mr. Boyer the statement which was subsequently produced before this committee and became a part of the record of its proceedings and known as "the Duke statement."

The Duke statement is a typewritten paper, unsigned, but purporting by its text to be the statement of "the three Ottumwa men" for whom Mr. Duke was attorney; namely, Thomas W. Pickler, former Mayor of Ottumwa; John W. Gray, former chief of police of Ottumwa; and Newton L. Arrison, former city clerk of Ottumwa.

The Duke statement thus received by Mr. Boyer, Mr. Boyer took with him to Springfield when the Illinois General Assembly resumed its sessions and there made it known to Representative David E. Shanahan, and subsequently gave it to Mr. Butts, chairman of the Legislative Committee, who turned it over to Mr. Charles S. Deneen after his appointment as counsel for the committee.

In view of the contents of the Duke statement, the Legislative Committee made every possible effort to secure the attendance of Messrs. Pickler, Gray and Arrison as witnesses at the hearings of the committee. Notwithstanding these efforts, however, in which the chairman of the committee and its counsel went so far as to offer in behalf of the committee to take up the Empire Company contract with these persons and to reimburse them for their expense in coming to Chicago to testify before the Committee, their attendance at the Chicago hearings could not be secured.

After the failure of these efforts, the Duke statement was offered in evidence by counsel for the committee. Its introduction was objected to by Messrs. Willard M. McEwen, appearing for Hon. John E. Owens, and Charles H. Mitchell, appearing for the Chicago Board of Election Commissioners. The committee sustained their objection to its introduction at the time, but reserved for future consideration the question of its possible introduction at a later time.

The securing of the testimony of Messrs. Pickler, Gray and Arrison was deemed of such importance by the committee, that in a further effort to secure it, a sub-committee was appointed to visit Ottumwa, Iowa, and induce them to testify there if possible. The sub-committee visited Ottumwa on August 11th, 1913, but these witnesses refused to testify before it, and the sub-committee so reported to the legislative committee on August 13th, 1913.

Thereupon counsel for the committee again offered the Duke statement in evidence and its admission was again objected to by Messrs. McEwen and Mitchell and also by Mr. Frank Walker who for the first time appeared before the committee as "personal attorney for Andrew M. Lawrence."

After taking the matter under advisement, the committee announced that for the present the objections to the introduction of the Duke statement were sustained, "With the right, however, to permit the matter to go into evidence at any time in the future."

Upon the convening of the committee for its meeting of August 14th, 1913, Mr. Frank Walker, personal attorney for Andrew M. Lawrence, again appeared before the committee and asked permission to bring a matter to the attention of the committee. Permission being given, Mr. Walker produced an affidavit made by Edward E. Marriott, a reporter for the Chicago Examiner, which he submitted for consideration by the committee in connection with its consideration of the possible future admission of the Duke statement. The committee received the affidavit, but for the present it was not read or introduced in evidence.

At the session of the committee of August 15th, 1913, Mr. S. E. Thomason appeared before the committee and asked permission to make a statement. Permission being granted, Mr. Thomason, who appeared as representative of Mr. James Keeley, manager of the Chicago Tribune, stated that it had been brought to the knowledge of Mr. Keeley that the committee had under consideration the question of the admissibility of the Duke statement and the Marriott affidavit and

that in behalf of the Chicago Tribune he desired to request that the committee admit both and that both be made the subject of the fullest inquiry. Mr. Walker thereupon joined in the request. Mr. McEwen, while insisting upon his objection to the legal admissibility of the document, stated that "If these gentlemen want to try out another issue that is their business, not mine, and I will endeavor to remain quiet while they do it." Mr. Mitchell renewed his objection. The Marriott affidavit and the Duke statement were thereupon read into evidence, as follows:

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

I, Edward E. Marriott, of the City of Chicago, County of Cook, State of Illinois, being duly sworn, on oath state:

That I was in Ottumwa, Iowa, on August 8th, 9th, 11th, and 12th, 1913, and there had interviews with John W. Gray, Thomas H. Pickler, Newton L. Arrison, Lloyd L. Duke, Charles A. Walsh, Edwin G. Moon and others, in relation to a statement made by said Duke and given, by him, to H. A. Boyer, of Illinois, and offered in evidence before the Butts Legislative Investigation Committee, in Chicago.

Said John W. Gray, who was formerly Chief of Police of Ottumwa, Iowa, told me that one day in the winter of 1911-12 H. W. Barr, agent for the Empire Voting Machine Company, was at the Ballingall Hotel in Ottumwa, Iowa, and had told him said Gray, Thomas H. Pickler, former Mayor of Ottumwa, and Newton L. Arrison, former City Clerk, the real facts connected with said voting machine contract in Chicago, purporting to be given in said statement given by Duke to Boyer.

Gray said to me:

"Barr was in the Ballingall Hotel, and Pickler, Arrison and I were with him, trying to get him to pay us money which was due from him to us on a contract for services which we had rendered in introducing Barr to Charles A. Walsh, of Ottumwa, and getting Walsh to help the Empire Company in Chicago.

Barr told us that he had paid big money to get the contract but that the big mistake he had made was not to give fifty thousand dollars to Jim Keeley, publisher of the Tribune. Barr said, 'Jim Keeley demanded fifty thousand dollars, but we refused to pay him. If he had

got that there would not have been any of this trouble with the voting machine contract. The Tribune and the others papers had always been for voting machines and they would never have thought of fighting the contract if the Tribune had not started trouble when we refused Keeley's demand for fifty thousand dollars.'

Charles S. Deneen and other big politicians are trying hard to get Pickler, Arrison and me to testify, so as to hurt Lawrence, politically, in Chicago. When Governor Deneen came here last Sunday night, Newt Arrison and I got word from him to be at the depot and we got there before the 11:20 train from Omaha got in. Deneen had been in Omaha and had seen Pickler, but he could not get Pickler to testify in the way he wanted so he wired us to meet him. Deneen tried every way to get me and Arrison to testify against A. M. Lawrence. He tried to get us to back up the statements made in the paper given by Duke to Boyer. Deneen said he understood we claimed a thousand dollars from Barr, but he offered to assume the thousand dollar contract made by the Empire Voting Machine Company, and pay us that thousand dollars and another thousand dollars, too, as well as all our expenses. He told us, 'If you fellows will tell the whole story like it is in that Duke statement we will have enough to drive Andy Lawrence out of Chicago.'

Deneen and Butts put up a thousand dollars in a National bank for us, to induce us to do what he asked.

My name is mentioned in the papers as being one of those referred to by Duke in the statement he gave to Boyer, but I tell you that I never went to Chicago on the voting machine contract and never saw Andrew M. Lawrence in my life. Lloyd L. Duke's statement is full of lies. He is a crooked lawyer and has betrayed the interests of Arrison, Pickler and myself, who were his clients. He ought to be disbarred and we will try to have him disbarred. He gave out this lying statement after he knew our legitimate business claim against Barr had been settled."

In interviews which I had with said Newton L. Arrison at the Hotel Ballingall and the Hotel Laeclde and elsewhere in Ottumwa, said Arrisan said to me:

"I was the one of us three who went to Chicago in January, 1911, to see Charley Walsh and get him to help H. W. Barr on the voting machine contract, but it's a big lie for Duke to say, or imply, in his statement given

to Boyer, that I know anything about Andrew M. Lawrence getting a hundred thousand dollars or any other amount. I never saw Andrew M. Lawrence in Chicago, in 1911, when I went there to introduce Barr to Walsh, and I never spoke to A. M. Lawrence about the voting machine matter. I have not seen him at all for more than three years.

I hate Andy Lawrence worse than poison and would like to send him to hell if I could do it without harming my friend Barr.

If it wasn't for my friendship for Barr and my love of fair play, I could hardly resist the offers of big money that are made by Deneen and others to any of us fellows who will go to Chicago and back up the things put forth in that paper that Duke gave to Boyer.

Big money is being offered us and all sorts of inducements. If you knew of the work done here in Ottumwa this last week, by George E. Brennan of the Roger Sullivan crowd, to get us to go against Lawrence, you would go up in the air.

No one should believe Duke's statement. He has shown himself in his true colors by giving out an unsigned, unsworn statement, telling about our claim, after it had been settled, though he was too cowardly to put our names in the statement. If there is any way of getting him disbarred, we will do it. He ought to be disbarred."

I had several interviews with former Judge Elwin G. Moon, counsel for H. W. Barr of the Empire Voting Machine Company, and member of the law firm of Gilmore & Moon. These interviews were had in Gilmore & Moon's offices, on Main Street, Ottumwa, Iowa, on August 9th and 11th. Moon said to me:

"Newton L. Arrison and J. W. Gray have each and severally told me the same story, to the effect that H. W. Barr, agent for the Empire Voting Machine Company, told them in his room, at the Hotel Ballingall, Ottumwa, one night in the winter of 1911-12, that it would cost him a big sum to get the Chicago voting machine contract for the Empire Company.

H. W. Barr had told the same story to me and to my law partner, Merrill C. Gilmore, in our office in Ottumwa. Barr said to us, 'The mistake we made was when we refused to give Jim Keeley, of the Tribune, the fifty thou-

sand he asked and then we would not have had this fight against the Empire voting machine contract in Chicago.' I have a thousand dollars in my possession, given me by the Empire Voting Machine Company, to be turned over to Pickler, Arrison and Gray, in payment for their services to Barr. Their claim against Barr is all settled, and Lloyd L. Duke's statement is all wrong.

Charles S. Dencen was in Ottumwa last Sunday night making strenuous efforts to get Arrison and Gray to go to Chicago and back up statements made by Duke in regard to Lawrence and Barr in the voting machine contract. Dencen told Arrison and Gray that if they would testify in Chicago he, Dencen, would assume the one thousand dollar payment promised by the Empire Company, and pay them lots of money besides. Dencen, Butts and the other politicians have fifteen thousand dollars to spend to get the testimony, and a few thousands more. He also told them that, if they would back up Duke's statement it would be all he needed to drive A. M. Lawrence out of Chicago."

Charles A. Walsh, of Ottumwa, whose name is mentioned in the statement given by Duke to Boyer, said to me:

"In December, 1911, I promised Arrison, Gray and Pickler that I would help them to get H. W. Barr introduced at the Chicago Election Commissioners' office, where he wished to apply for a voting machine contract. Arrison came from Ottumwa to Chicago, in January, 1911, and took me to the Grand Pacific Hotel where I met Barr. Afterwards I introduced Barr to Chief Clerk Stuart of the election board. Barr wanted me to introduce him to Andrew M. Lawrence and I asked Mr. Lawrence if he would meet Barr. Mr. Lawrence asked me, 'Who is Barr?' I answered that he was a representative of one of the companies that manufacture voting machines and was seeking to place an order in Chicago. Mr. Lawrence replied that he would not see any of the voting machine men or have anything to do with them. On two or three subsequent occasions, when Barr later asked me to approach A. M. Lawrence and arrange for an interview, Mr. Lawrence again positively and emphatically refused to meet Barr. Barr and Lawrence were never together in my presence at any time, and to my knowledge, Barr never met Lawrence.

This statement, given by Duke to Boyer, is part of a political plot and is full of lies. If any money was paid

by the Empire Company it was not to Lawrence. Barr told me that Anthony Czarnecki sent several messengers to him, Barr, at different times, saying that, if Czarnecki were taken care of in a money way, the fight against the Empire Company would be ended."

(Signed)

EDWARD E. MARRIOTT.

Subscribed and sworn to before me this 13th day of August, 1913.

(Signed)

E. J. BANGS,

(NOTARIAL SEAL)

Notary Public.

My commission expires January 18, 1914.

THE DUKE STATEMENT.

"We have lived in Ottumwa for thirty-five years, fifty years, and fifty-five years, respectively.

That we first became acquainted with H. W. Barr of the Empire Voting Machine Company about four or five years ago. That after this time an attempt was made to sell Wapello County voting machines and the deal would have been made had it not been for a protest on the part of the citizens of this city going in a delegation to the Board of Supervisors of Wapello County.

About two years ago H. W. Barr of the Empire Voting Machine Company stated that he believed that he could sell his voting machines to the City of Chicago, provided he could secure influence with the Hearst-Harrison people and especially if he could secure the influence of Andy Lawrence. He said he was satisfied that unless he could get in contact with and acquainted with Lawrence and the Hearst people he could not make the deal. We informed him that we believed we knew how he could get acquainted, the deal might be accomplished through Charles Walsh, who at that time was connected with the Hearst people. Barr stated that in the event he was able to make a contract he would pay us fifteen hundred dollars.

In January we selected one of our number and we and Barr agreed that it would perhaps be best for only one of us to go to Chicago.

After the consultation with us in Ottumwa, H. W. Barr wired me from Chicago to come to Chicago the next day. I think it was on January 7th, on Tuesday or Wednesday, I went to Chicago. Barr met me at the Union Station

and we went to the Examiner office and I walked into the Examiner office while Barr went to the Grand Pacific Hotel. I went into the Examiner office for the purpose of getting Charles Walsh and after a short time Walsh and I went to the Grand Pacific Hotel. I then introduced H. W. Barr to Walsh. We stayed there all afternoon talking about the best method to proceed to get the machine placed in the City of Chicago. Walsh said he would get Barr in connection with Andy Lawrence and other prominent men in the Hearst aggregation. Walsh took us to the Election Commissioners' office and introduced us.

Before leaving Chicago, I asked Barr if I had accomplished what he expected of me. Barr said yes, I had delivered the goods and done more than he had expected and that he was satisfied.

It was in the following fall, sometime, that Barr came to Ottumwa to try to reopen the matter concerning the sale of machines to Wapello County.

He said he would now tell us about how he managed to get the contract for the sale of the machines in Chicago. He said it had cost him a great deal more money than he had expected. He and Walsh had a number of meetings every day for several days and which finally resulted in a meeting with Andy Lawrence. Barr then set forth his proposition with regard to the sale of the machines.

For some time, Barr stated, they could not get together or come to an understanding with Lawrence. Finally, Barr said, we made out a list of expenditures necessary in order to make the deal and placed it before Lawrence. It was a list of the amounts that would have to be paid to different parties for their influence to consummate the deal. Walsh was on the list for fourteen thousand dollars, and Lawrence for eighty-five thousand dollars, as I remember the amounts. The list was then revised by Lawrence. He came to Walsh's name and the fourteen thousand dollars and stated to Walsh that he wanted to know why Walsh was to have that amount of money, that Walsh could not deliver anything. Walsh then said, 'Put the fourteen thousand over in the Lawrence column.' When the list was finally completed, Lawrence was to have one hundred and five thousand dollars. Barr said that the deal had cost him something like two hundred thousand dollars to place the machine in Chicago.

Barr said he had already drawn out about one hundred and eighty thousand dollars from Chicago and that he had paid out more than that. He said he also had to fix up some matters with the Gray Wolves in order to keep them quiet. He said he was going to ask his company to make a further appropriation of ten thousand dollars to take care of some additional claims.

Further facts will be given later and each of the details with reference to exact dates and corroborating circumstances will also be given."

It appears from the testimony of J. P. Townsend, hotel manager of the Grand Pacific Hotel, Chicago, that the records of that hotel show that on January 11, 1911, Newton Arrison of Ottumwa had a room at that hotel which was charged to and paid for by Mr. H. W. Barr, whom the witness knew as agent for the Empire Voting Machine Company.

It also appears from the testimony that Mr. Charles A. Walsh of Ottumwa, mentioned in the Duke statement, as connected with the Chicago Examiner, was a member of the political organization known as the Independence League, later the Independent Party, which was supported by the Chicago Examiner; that Commissioner Howard S. Taylor had been a writer of articles for the Chicago Examiner before his appointment as election commissioner upon the recommendation of Mr. Andrew M. Lawrence and had also been national committeeman and later candidate for United States Senator of the Independent Party; that Charles H. Mitchell, attorney for the Chicago Board of Election Commissioners, was candidate for State's Attorney of the Independence League, the predecessor of the Independent Party, and had been intimately associated with Commissioner Howard S. Taylor, Mr. Charles A. Walsh and Mr. Andrew M. Lawrence; and that Mr. William H. Stuart, chief clerk of the Board of Election Commissioners, had been employed by the Chicago Examiner before his appointment to that office.

At the session of the committee of August 19th, 1913, Mr. James Keeley of the Chicago Tribune appeared and testified that he did not know Mr. H. W. Barr; that he had met him but once, in the office of the Chicago Tribune, and then, without knowing that it was Mr. Barr, or who Mr. Barr was; that this meeting was subsequent to the making of the Chicago voting machine contract; and that he had never had any conversation with Mr. Barr regarding the payment of \$50,000 or any other sum of money in connection with the Chicago voting machine contract as related in the Marriott affidavit.

At the same hearing, Mr. Oscar Hewitt, reporter for the Chicago Tribune, also testified that after the passage of the resolution for the making of the Chicago contract, Mr. Barr sought an introduction through him to Mr. Keeley.

Mr. E. S. Beck, managing editor of the Chicago Tribune, testified corroborating in all respects Mr. Keeley's testimony with relation to his own interview with Mr. Barr.

Mr. Charles Gotthart, reporter for the Chicago Tribune, testified that he had visited Ottumwa from August 15th to August 18th, 1913, and had interviewed various persons regarding statements contained in the Marriott affidavit; that Mr. Gray had stated to him that he had never known there was such a man as Mr. Keeley until he saw the fact stated in the Marriott affidavit and that the Marriott affidavit was "a pack of lies;" that Mr. Arrison denied the statement attributed to him in the Marriott affidavit that big offers of money had been made to him, Pickler, and Gary to come to Chicago and back up the Duke statement, and stated that all he told Marriott was that Mr. Dencen and Mr. Butts had offered to take up the Empire Machine Company contract and to pay their expenses if they would come to Chicago to testify; that Gray told the witness that he had received his money from the Empire Voting Machine Company; and that Arrison told the witness he had not received his money, saying "no, it is over there for me. It is safe in Judge Moon's hands."

Mr. George E. Brennan contradicted in every particular the matters relating to him contained in the Marriott affidavit and stated that he had never been in Ottumwa, Iowa.

Communications enclosing copies of the Marriott affidavit were sent by the committee to Mr. Merrill C. Gillmore, Ottumwa, Iowa, and to Hon. E. C. Moon of Ottumwa, and they were invited to appear as witnesses before the committee in reference to the matters set forth in the Marriott affidavit, and a statement was received from Judge Moon contradicting seriatim the statements attributed to him in the Marriott affidavit.

Telegrams were also sent to Mr. L. L. Duke, Mr. John W. Gray, Mr. Newton L. Arrison and to Mr. Thomas W. Pickler inviting them to appear and testify in regard to the Marriott affidavit. None of these persons appeared, but a letter was received from Mr. Pickler, addressed to Mr. Dencen and stating that "so far as I am concerned, you never intimated anything regarding paying us any money only for the contract and the telephone expense."

The chairman of the committee, Mr. Butts, also made a statement regarding the Marriott affidavit, which was read into the record as follows:

"The statements in the affidavit filed with the committee by Edward E. Marriott are false in so far as they relate to Mr. Deneen and myself. The facts are, when it was learned that a written contract between the Empire Voting Machine Company and Messrs. Thomas H. Pickler, Newton L. Arrison, and John W. Gray had been executed for \$1,000, it was determined that Mr. Deneen and myself should interview the witnesses and ascertain whether or not they would be willing to assign the written contract to the investigating committee for face value. I deemed it wise that the investigating committee purchase this contract in behalf of the State of Illinois so that suit might be instituted on it and in that way an opportunity secured to take depositions in other states in reference to the subject matter of the contract.

Mr. Pickler favored an assignment of the contract. Messrs. Arrison and Gray desired to consult together and communicate with Mr. Pickler before giving their decision. Later, Mr. Pickler stated over the long distance telephone that the money had been paid and the contract was taken up at Ottumwa. Our negotiations terminated, therefore, necessarily.

These are all the facts. No money was put in any national bank and no money was offered to witnesses save their expenses and the face value of the contract."

Mr. R. D. Bemiss, a former agent for the Empire Voting Machine Company, was also called as a witness before the committee and testified in regard to the expense accounts of agents of that company; that at one time the company paid the agents a salary and in addition whatever amounts were paid for outside assistance by such agents; that these additional amounts for assistance were paid upon statements made by the agent to the company; but that later this method was abandoned and the agent was paid his salary and a commission of \$135 for each machine sold; that the management of the Empire Voting Machine Company thought "that it was better to have a stipulated sum paid each agent and that ended the whole transaction and nothing would appear on the books of the company except the fact that the agent had made the sale, his salary and expense account, and then, in addition to these items, the \$135 per machine." Witness had talked with H. W. Barr, the Empire Company agent

who had sold machines to the City of Chicago, and that Barr said \$135 was not enough for Chicago.

In a general way, the foregoing summarizes the facts constituting the proceedings leading up to the making of the contract with the Empire Voting Machine Company so far as the committee was able to elicit them. As already stated, all of the Ottumwa witnesses refused to appear before the committee. Besides this, no response of any kind was secured to the repeated communications sent by the committee and its counsel to the Empire Voting Machine Company and its president, Mr. Carl F. Lomb, and its agent, Mr. H. W. Barr.

Immediately previous to the opening of this investigation, the committee was informed that Mr. H. W. Barr lived in Chicago at 5559 Washington Avenue, and a summons was issued by the committee to be served upon him at that address. Every attempt of the Sergeant-at-arms to serve it was without success and the committee was informed that Mr. Barr had left the city.

During the hearings one representative of the Empire Voting Machine Company, Mr. Frank Keiper, patent attorney for the company, did appear before the committee and was examined as a witness. He, however, knew nothing about the facts of the Chicago voting machine purchase. He stated that immediately before leaving his home in Rochester, New York, for the hearing, he had been visited by Mr. H. W. Barr, for whom a subpoena had been issued by this committee, but that neither one mentioned the subject of the voting machine investigation, nor did Mr. Barr inform Mr. Keiper whether he intended to appear before the committee as a witness. Mr. Keiper also knew Mr. Carl F. Lomb very well, but had never heard Mr. Lomb say whether or not he intended to appear as a witness before the legislative committee. Mr. Keiper was also unable to name the stockholders or directors of the Empire Voting Machine Company. Mr. Keiper's testimony was of a general character. It had no special relation to and threw no light upon the subject of the Chicago investigation of voting machine, the Chicago contract, or the Chicago purchase of voting machines, except that the witness estimated the cost of producing such a machine as Chicago purchased at from \$400 to \$500 exclusive of overhead charges; that he admitted that such a machine was not large enough to hold the Chicago primary ballot of 1912, remarking, however, that the voting machine is not mentioned in the Illinois primary law; and that in his opinion the fraudulent manipulation of voting machines

demonstrated at the hearing did not constitute a practical objection to the Empire voting machine.

Under the contract made with the Empire Voting Machine Company, 500 voting machines have been delivered to the City of Chicago and have been used in Chicago elections; and the subsequent investigations of the committee relate mainly to the use of these voting machines in Chicago elections and the manner in which they have stood the test of meeting Chicago election conditions.

This phase of the investigation was intended to supplement the testimony of the experts employed by the committee regarding possible frauds on the Empire voting machine, and the experiments in fraudulent manipulation and fraudulent restriction of the machine demonstrated by them before the committee, by testimony showing some practical experience in the actual use of voting machines in Chicago.

Information had come to counsel for the committee that certain voters in the 20th precinct of the First Ward, who had voted at the general election of 1912 upon the voting machine, had been deprived of their votes for candidates for the office of State's Attorney in that election. The voting machine returns from the 20th precinct of the First Ward showed the following votes for candidates for the office of State's Attorney: Rinaker, Republican, 1; Hoyne, Democrat, 42; Haight, Progressive, 0; Cunnea, Socialist, 0; Hill, Prohibitionist, 0. Seventeen witnesses from the precinct appeared before the committee and testified, that twelve of them voted for Rinaker, Republican; four of them for Cunnea, Socialist; three of them for Haight, Progressive.

It was with a view to the subsequent introduction of this testimony and with knowledge of the facts that voters in this precinct had failed to have their votes recorded by the voting machine for the candidates of their choice for State's Attorney, that the experiment of setting the counters of one candidate a number of votes above and another an equal number below "zero" and concealing the mis-setting by paper zeros pasted over the counter-wheels was introduced and demonstrated before the Commission. Whether the experiment furnishes the true explanation of the loss of votes at the election of 1912 shown by the testimony of these witnesses is, of course, a question; but the loss of votes in this precinct was a fact and a fact which the fraudulent manipulation of the voting machine counters demonstrated by the experiment would explain. In any event, the voting machine was shown to be susceptible to fraudulent manipulation, in direct contraven-

tion of the State Voting Machine Law, which provides that the voting machine shall be "provided with a lock or locks by the use of which any movement of the registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose."

Other experiments, both by witnesses, bystanders, and members of the committee showed conclusively that the average voter cannot vote a split ticket on the voting machine in one minute, as required by the voting machine law; a fact which was also shown by the testimony of members of the State Board of Voting Machine Commissioners; by the testimony of Mr. Keiper, attorney for the Empire Voting Machine Company, and by the testimony of other witnesses at the hearing.

Further evidence of defective or fraudulent use of the machine, of a wholesale character, was supplied by the testimony of Mr. Lawrence F. King, special custodian appointed by the court to have official charge and custody of the returns of the general election of 1912 and of the recount of those returns in the Hoyne, Rinaker, Cunnea contest over the office of State's Attorney of Cook County, and by that of other witnesses who testified in regard to changes of voting seals between the close of the election of 1912 and the opening of the voting machines for the recount.

As an illustration of the changing of seals between the election and the recount, reference is made to the changes read by Witness King from the record of election returns made by the judges of election and the record of the recount taken from the voting machines, the complete record of which covers many pages of the testimony taken at the hearing and to its tabulation which takes up seven pages of the printed abstract of record.

To understand the significance of these changes in voting machine seals, it is necessary to know that judges of election in voting machine precincts are furnished by the election commissioners with a seal which they are instructed to place on the voting lever of the machine used by them at the close of the election and to make a record of the number of such seal in the election certificates returned by them. Each of these seals bears the stamp of the Board of Election Commissioners and its number is recorded in the office of the custodian of voting machines when the machine is sent out to the election precinct.

After the election of 1912, the voting machines used in that election were returned thus sealed and locked in their cases to the voting machine storage warehouse and placed in the

custody of the custodian in charge of voting machines who testified that the machines were not again opened, or even removed from the locked voting machine cases, until they were opened by the order of court to take off the recount figures in the Hoyne-Rinaker-Cunnea contest. When they were thus opened, it was found that no less than 107 of the seals placed upon the voting machines by the election judges at the close of the election were no longer on the machines and that other seals had been substituted for them. No explanation of the substitution of seals was given by the Board of Election Commissioners, as appears from the following testimony of Commissioner Czarnecki, page 632 of the printed abstract):

“Mr. Czarnecki: The seal number read off by Mr. Muldowney is the number of the seal we found on the machine at the time of the recount. If a new seal was put on, we noted it and the number.

The supposition was that the seal put on by the judges was left until the State’s Attorney contest. The original seals were placed on by the judges in the presence of the clerks, policemen, watchers, and so forth, and the new seals were found on the day of the contest by the commissioners, their clerks and assistants and representatives of the contestants, Cunnea, Rinaker and Hoyne.”

No explanation of this state of affairs was asked for by the Board of Election Commissioners. The following is quoted from the same page of the printed abstract:

“Mr. McEwen (to Mr. Czarnecki): Did you ever ask any of the judges or clerks to explain the discrepancy?”

Mr. Czarnecki: No, sir, we did not.”

Similar voluminous testimony given by Mr. Lawrence F. King regarding discrepancies in voting machine election returns will be found at pages 608 to 625 printed abstract of records, and in the testimony of Mr. Michael F. McMahon, pages 636 to 638, printed abstract of record.

CONCLUSIONS.

The conclusions reached by this committee from the evidence submitted to it are:

1. That the testimony of the experts employed by this committee and the experiments conducted by them in the presence of the committee at the hearings, as well as the testimony of other witnesses, show that the voting machines purchased by the City of Chicago are susceptible to fraudulent

manipulation by the custodian, by the judges of election, and by the voters. That the experiments showing possible manipulation by the voters, this committee does not consider so serious a source of practical fraud in elections conducted with voting machines as those possible by judges of election and by the custodian of voting machines; especially the latter. The voting machines are in the sole care and custody of the custodian during the period of preparation of the voting machines for use in election. Means of fraudulent manipulation of voting machines during this time were clearly pointed out by the experts. After the elections the voting machines again pass into the custody of the custodian, affording abundant opportunity for the destruction of any evidence of fraudulent manipulation, had any been practiced. The integrity of voting machines is not, in the opinion of this committee, sufficiently safeguarded by mechanical or other methods of protection against fraud.

2. That the testimony with regard to the substitution of seals showed wholesale violations of the law as well as of the rules of the Board of Election Commissioners in the election of 1912. The Voting Machine Law provides that after the judges of election have taken off the record of the votes cast on voting machines, "thereafter the machines shall remain locked for a period of at least thirty days unless otherwise ordered by a court of competent jurisdiction." As before stated, the judges of election in voting machine precincts were directed by the Board of Election Commissioners to seal the voting-lever of the machine at the close of the election with a numbered seal provided for the purpose and place and lock the voting machine in its place. Nevertheless, the evidence showed that these voting machine cases had been unlocked, the machines removed from their cases, the seals broken open and other seals substituted for them. The fear of the law was not enough to prevent these wholesale violations, nor was the watchfulness of the Board of Election Commissioners sufficient to detect them. There was an all but total absence of protection of the integrity of the ballot in the voting machine districts.

3. The discrepancies between the returns of elections from voting machine precincts as shown by the judges' certificates, and the returns taken directly from the machines at the time of the recount, is another example of the failure of the voting machine to guard the integrity of the ballot. In regard to this failure it may be said that the discrepancies were attributable, not to the voting machine, but to the neglect of the

judges and clerks of election. This may be true, but one of the defects of the Empire Voting Machine, pointed out in the hearing before the committee was that it did not sufficiently exclude errors by the "human element." Among these opportunities for error, the necessity for taking off separately and subsequently adding the split vote and the straight vote, made necessary in the Empire voting machine by the absence of a party-lever, was one of the most important. It should have been of great, if not of controlling importance in determining the question of purchasing the Empire voting machine.

4. The failure of judges of election in voting machine precincts to fill out their election certificates, also showed that the voting machine is not sufficiently safeguarded against the carelessness or dishonesty of election officials, and that in the hands of careless or dishonest officials the voting machine furnishes absolutely no protection to the integrity of the record of votes cast or against the fraudulent manipulation of the voting machine by judges, clerks, custodians or anybody who has access to the machines.

5. The evidence taken at the hearing showed that the Empire voting machine was not capable of accommodating the Chicago primary ballot. A fact of such vital importance in the consideration of the question of purchasing voting machines for the City of Chicago, should have been ascertained by the Election Commissioners before any contract was entered into with the Empire Company and should have been decisive against the purchase of Empire voting machines.

6. The evidence at the hearings, both the testimony of witnesses and the experiments conducted on the voting machine, showed that the average voter cannot vote a split ticket on the Empire voting machine in one minute, as provided in the Illinois Voting Machine Law, which requires "that each voter can understandingly and within the period of one minute, cast his vote for all candidates of his choice."

In this connection it must be remembered that the experts employed by the Chicago Board of Election Commissioners and Judge Owens to investigate voting machines had, in their report on the Empire voting machine, called special attention to the fact that "Because of the absence of a party lever, which, in other machines operates each of the individual keys of that party, split voting with the Empire must be done by pulling down individually the keys which represent the candidates to be voted for, and this, on a 70-key board will scarcely be done within one minute's time permitted to the voter in the voting booth."

It may also be recalled that subsequent to the purchase of the Empire voting machine, the Supreme Court of Illinois, in its decision already cited, found "As a matter of fact, we find that the machine does not comply with the law in enabling the voter understandingly to cast his vote in one minute."

The fact of the machine's non-compliance with this provision of the State Voting Machine Law was known to the Election Commissioners. It had been brought to their attention officially in the report made to them by the experts employed by themselves. It was of itself sufficient to decide the question whether Empire voting machines should be purchased by the Board of Election Commissioners for use in Chicago elections. The ignoring of this fact was an instance of gross official carelessness and of disregard of the ordinary principles of business prudence which might very properly be denominated a serious disregard of official duty.

7. Failure to give due consideration to the reports of previous investigations of voting machines by the former Chicago Election Commissioners, was another serious instance of lack of proper caution on the part of the Board of Election Commissioners in its consideration of the voting machine question. The uniform rejection of voting machines which had followed the prolonged investigations of the previous Board should have counseled extreme caution and ought to have been matter for the most thorough discussion by the present Board, instead of being absolutely ignored as shown by the minutes of its proceedings in the voting machine matter, as well as by the testimony of the Commissioners given at the hearings before the legislative committee.

8. The failure and refusal of the Chicago Board of Election Commissioners to confer with the authorities of the City of Chicago regarding the financing of the proposed purchase of voting machines, in advance of entering into the contract with the Empire Company, which is all the more remarkable when contrasted with the action of the former Board, is another instance of official carelessness justly deserving criticism, if not condemnation.

9. The neglect of the obvious precaution, dictated by considerations of business caution as well as official prudence, to limit the initial purchase to a comparatively small number of machines and to put machines thus purchased to a decisive test in Chicago elections, both primary and general, cannot easily be reconciled with a proper regard for the in-

terests of the City of Chicago or the safeguarding of its elections.

RECOMMENDATIONS.

1. That the contract made by the Chicago Board of Election Commissioners with the Empire Voting Machine Company should be cancelled.

2. In view of the evidence submitted and the experiments demonstrated before the committee, the committee believes that the Illinois Voting Machine Law should be repealed or amended.

LUCAS I. BUTTS,
Chairman.

ROBERT S. JONES,
J. H. JAYNE,
R. J. BARR,
F. A. LANDEE,
JOHN M. CHAMBERLIN,
EDWARD J. KING.

REPORT OF PORTION OF THE MEMBERS OF THE LEGISLATIVE VOTING MACHINE INVESTIGATION COMMITTEE, THIS REPORT BEING CONCURRED IN BY SENATORS CANADAY, CAMPBELL AND SHAW AND REPRESENTATIVES GARESCHE AND KASSERMAN.

The committee appointed under House Joint Resolution No. 23, of the 48th General Assembly, consisted of:

Rep. Lucas I. Butts, Peoria, Chairman.
Sen. F. C. Campbell, Xenia, Secretary.
Sen. Richard J. Barr, Joliet.
Sen. J. M. Chamberlin, Jr., East St. Louis.
Sen. Stephen D. Canaday, Hillsboro.
Sen. Willis R. Shaw, Decatur.
Sen. Frank A. Landee, Moline.
Rep. Ferdinand A. Garesche, Madison.
Rep. J. H. Jayne, Monmouth.
Rep. Robert S. Jones, Flora.
Rep. Edward J. King, Galesburg.
Rep. John Kasserman, Newton.

Pursuant to the resolution the committee met in Springfield June 30, 1913, and organized by electing Lucas I. Butts, Chairman, and F. C. Campbell, Secretary. At a meeting in Chicago on about July 8, 1913, ex-Governor Charles S. De-
neen was selected as attorney for the committee, and at the

public hearings thereafter held Hon. W. M. McEwen, of Chicago, appeared as attorney for Judge Owens and Hon. Charles H. Mitchell as attorney for the Board of Election Commissioners in the City of Chicago.

The taking of testimony was begun on July 22, 1913, and continued from time to time and concluded on April 28, 1914. In all about thirty days were spent and about 3,800 typewritten pages of testimony taken, many witnesses being examined.

At the time the hearings were closed at Chicago on April 28, 1914, it was arranged that briefs and arguments should be made by the respective attorneys and mailed to the members of the committee within six weeks and the committee was then to meet and decide upon what report was to be made to the Legislature. No brief and argument was submitted to the members of the committee, and the committee was never convened until Tuesday, June 1, 1915, the members being notified by wire of that meeting on Saturday, May 29, 1915. Several members of the committee were so unsophisticated as to think the committee itself was empowered to decide on the kind of report which should be made and that when the decision was reached the attorney for the committee should draft the report accordingly. Instead, however, the members found when the meeting of June 1, 1915, was convened that a report, including findings, conclusions and recommendations had already been drafted by the attorney for the committee and the members of the committee were asked simply to sign their names to the report—perhaps a useless formality—as no reason was given why their signatures were required to a report in which they had no part in preparing.

The full membership of the committee was not present at this meeting and a majority of those present favored delaying the making of a report until such time as would permit them to give the matter attention and consideration. At the suggestion of the Chairman, however, who explained that members of the committee not now members of the legislature, had been notified of the meeting, were on their way to Springfield and would arrive sometime during the day or night of June first, the meeting was adjourned until the following morning at eight o'clock. At this meeting a motion to postpone consideration of the matter until Thursday, June 10, 1915, at eight o'clock P. M. prevailed. Against this motion the attorney for the committee argued that the legislature might adjourn in the meantime, and that as it was necessary to report to this session of the legislature the report should

be made at once, apparently forgetting that a full year had elapsed since the time the committee had arranged to have its meeting to give a report consideration.

Notwithstanding this action of the committee in postponing consideration of the matter, the newspapers had been furnished with copies of the report prepared by the attorney for the committee and the conclusions and recommendation contained in that report were published in the Chicago dailies on June 2, 1915. Just why the attorney for the committee felt called upon to usurp the functions of the committee in making findings, conclusions and recommendations for it, and also in giving them to the newspapers at the time he did, is perhaps explained because a judicial election was to be held in Chicago on June 7, 1915, at which some of the electors might be influenced for or against some of the candidates.

At the hearings of the committee the minutes of the Board of Election Commissioners covering a period of several months were introduced in evidence and in addition to the minutes of the Commissioners were severally interrogated as to what occurred at the meetings of the Board. The Board was composed of Charles H. Kellerman, Chairman; Anthony Czarnecki, Secretary, and Howard S. Taylor. The testimony as to the minutes showed they were at first kept on loose sheets by the Secretary and not finally transferred into the minute book and there formally approved until several months after the meetings had been held. Notwithstanding this there was no question raised as to the accuracy of the minutes. Kellerman and Taylor favored the contract made with the Empire Voting Machine Company for 1,000 voting machines, and Czarnecki opposed it. The testimony showed that Czarnecki was a writer for one of the Chicago dailies during the time the contract was under consideration and furnished "copy" covering the different steps taken during that time.

No hint of any kind or character as to any fraud or intentional wrongdoing on the part of either of the above named Board of Election Commissioners at any time, appears in evidence. The contract for the purchase was let in the usual manner of letting contracts for the purchase of supplies. Specifications were printed and bids were advertised for on those specifications and copies of the specifications were mailed to all voting machine companies, and all others known to be interested. Twenty-six days were given for the filing of bids and this time was extended about two weeks at the request of bidders. Further extension was made and it was

about ninety days after the adoption of the specifications until the contract was signed.

As to the question of business judgment in the purchase of the machines we might doubt whether this committee or the legislature would have anything to do, as payment for the machines must be made by the City of Chicago and not by the State. However, the report prepared by the attorney for the committee deals at some length with this question and the objections generally to the machine, so we think it proper to mention our views thereon in this report. As bearing upon these matters we quote from the report of the special grand jury empanelled by the Hon. Henry V. Freeman, November 4, 1908, to investigate misdemeanors and crimes committed in the primary election August 8, 1908, the report appearing in the typewritten record, pages 708 to 718, as follows:

"We find and so report that no confidence can be placed in the reported results in favor of or against any candidate for a party nomination at said election and yet that election cost the taxpayers of Chicago fully \$75,000.00.

Fraudulent registration, leading to fraudulent voting; repeating by platoons by men who were voted first for one party then for other party candidates at the same precincts; voting names of absentees, non-residents, insane and dead men, accepting false affidavits on behalf of disqualified voters, known to the judges to be so; numerous and flagrant perjuries by party voters to enable them to cast illegal votes; taking votes from non-registered voters without affidavits in support of such votes; fraudulent writing of names on the poll books and putting ballots in the boxes to correspond; keeping upon the registers names of men who had removed from the respective precincts and voting them; voting the same name more than once at the same precinct; disfranchising voters by permitting their names to be voted by others; marking ballots after the boxes were opened; handing voters ballots already marked for certain candidates; marking ballots for voters against their wishes and so putting ballots into the ballot box; intimidating voters and compelling them to vote for candidates contrary to their wishes; strangers and police officers being permitted to handle ballots after the boxes were opened, so as to permit of fraudulent marking of ballots were proven before us and are by no means all of the devices which we have reason to believe were resorted to in vio-

lation of every provision of the election law intended for the security of the voter, the sanctity of the ballot and the accuracy of the result and to defeat the will of the people as expressed by the lawful votes, cast at said election.

From the facts coming to our knowledge we express serious doubt whether there has been any honest general election or city election in Chicago for years past. * * *

Therefore, to reduce the opportunity for errors, prevent frauds, lessen the cost, secure the prompt announcement of the result of an election and prevent the holding back of announcement of results in one ward in order to defeat some candidate who has a lead in other wards, we recommend that satisfactory voting machines should be purchased and installed at each precinct at the earliest practical moment."

The report of W. L. Abbott, Paul M. Chamberlain and William W. Wooley, appointed by County Judge John E. Owens, for the purpose of reporting on voting machines, appears at pages 469 to 480 of the typewritten record and shows that four machines were submitted to them for inspection, namely, the Triumph, Empire, International and Winslow. Of the Empire they say:

"The machine fulfills the requirements of the State law. * * * The Empire is, in the opinion of your experts, reasonably well protected against possibilities of fraud. * * * Your commission believes that the voting machine art has been developed to a point where machines may be installed in Chicago with safety and economy and that such installation shall be the means of greatly minimizing possibility of fraud at the polls."

Their report rates the machines as follows:

Empire.

Triumph.

International.

Winslow.

Criticism is made that the specifications asked that blueprints be furnished some of which remained unopened. The testimony was that this item of the specifications, like most of the others, had been copied from the specifications prepared by a former Board of Election Commissioners, which were prepared at a time when the machines themselves were not in existence and the blueprints were needed in their place. During the time the matter was under consideration in 1911, however, all of the companies expecting to bid on the con-

tract had samples of their machines submitted, thus making the blueprints useless.

On the question of Empire voting machines we beg to quote from the report of Prof. C. E. Depuy to the Board of Election Commissioners under date of October 12, 1908, page 799 of the typewritten record:

"Empire Machine. The material, workmanship and general design are very satisfactory."

Also from his report of July 1, 1910, page 846 of typewritten record:

"Empire Machine. The material, workmanship and general design are of the same excellent character as shown in the machine previously exhibited; and I believe that this machine would be durable and reliable in action. * * *

The device for controlling the number of bars by each party in a primary election is very simple and effective. It accomplishes the end desired without in any way interfering with the accuracy or ease of manipulation of the machine for other purposes. * * *

The machine presented I believe will receive and record votes in an election accurately and quickly, after the machine is adjusted and the voters have received the proper instruction, and this will simplify the work of judges and clerks in securing correct returns."

We quote from the report of Prof. George O. Olson to the Board of Election Commissioners under date of March 10, 1908, page 795 of typewritten record:

"In answering question 18, 'From your examination and study of the several voting machines, are they, in your opinion, sufficiently perfected so that you would advise the Board to purchase any one of them at this time,' my answer is 'Yes; from a mechanical standpoint only.'"

Also from his report appearing at page 797 of the typewritten record:

"U. S. Standard Voting Machine" (predecessor of Empire): "This machine is a very practical machine in every way and certain conditions which I criticised in my last report have been successfully overcome."

Also from his report dated October 11, 1909, page 816 of typewritten record:

"Empire Voting Machine: The material used in the construction of this machine could not, in my opinion, be improved on, and the outside finish is fine. The workmanship is first class. I wish to call special attention to

the high grade of work on the counters and counter holders. It is in my opinion very high-grade work."

He uses practically the same language in his report of July 14, 1910, but states in that report that the machine is too heavy and for that reason advises against buying the machine.

We quote from the report of Prof. O. A. Leutwiler to the Board of Election Commissioners under date of October 15, 1909, on the Empire, Triumph, Willet and Winslow machines, the report beginning on page 822 of the typewritten record:

"Empire Voting Machine: The general design of this machine is probably the best of any machine the writer examined. * * * The machine is amply protected against fraudulent manipulation by the judges in that it is locked by several separate locks and keys, thus permitting the keys to be divided between the judges. This means that at least two parties are represented when the machine is being prepared for voting. The same remarks apply when the polls are closed and the count is being taken off."

Prof. Depuy, Olson and Leutwiler were the expert witnesses employed by the committee to show that the Empire was not a practical machine and because of this we wish to quote very briefly from their testimony:

C. E. Depuy, page 1435 typewritten record: "Never saw better machine than Empire." Page 1513 typewritten record: "Use of angle iron would naturally occasion complaint from voter."

On pages 1528, 1529 and 1530 of typewritten record to specific questions covering every requirement of the Illinois voting machine law as to whether the Empire complied with them he answered in the affirmative as to all except the one in regard to voting within one minute and as to that his reply was: "That I have a question about."

Page 1541 typewritten record:

"Q. Whenever machine is properly adjusted it cannot be beaten?

A. I have never found a way of doing it."

Page 1542 typewritten record:

"Q. Can you make that machine vote for more men than it is adjusted for?

A. No, sir.

Q. Can you go to that machine now and make it vote for more men than it is adjusted for?

A. No, sir, it will work as it is adjusted.

Q. Then taking into consideration the fact of the human element, the machine is infallible as it stands, is it not?

A. The mechanism is very satisfactory and I have never found it to work wrong.

Q. Nor to be capable of being worked wrong?

A. Unless it is set wrong."

Page 1590 typewritten record:

"Q. Now on the subject of this being the best machine of the type, or of any type, do you say you have seen a better machine than this?

A. No, sir.

Q. Have you ever seen one that is as good?

A. No, I think not."

George O. Olson, page 1665 of typewritten record:

"Q. Will the machine do what it is set to do?

A. Yes, sir."

Page 1667:

"Q. You think that because of the necessity of the custodian adjusting and setting this machine and because he may do it falsely and wrongfully that the machine ought to be rejected?

A. No, I don't think the machine ought to be rejected for that particular reason."

C. A. Lentwiler, page 1767 of typewritten record:

"Q. But if it is set properly the machine will do what it ought to do?

A. Yes."

Page 1772:

"Q. Did you ever examine a better machine than this Empire machine exhibited this year?

A. No, I don't think I have.

Q. Did you ever examine one that was as good?

A. No, I don't think I have."

The above seems to show conclusively that not only was the Empire the best voting machine to be had at the time the contract for the purchase of the machine was entered into, but that it was a practical and efficient machine. That this is the case is further shown by the fact as testified to by Anthony Czarnecki, page 2558 of typewritten record, that in the spring of 1913 about 130 of the machines were used in precincts in Chicago where no paper ballots were provided, and that there was no complaint from the voters either that they were not able to vote within one minute, or otherwise. On page 2559 he testified that no complaints came to the

Board of Election Commissioners about difficulty in delivering the machines to the precincts, and that there was no contest in that election involving any of the precincts where the machines were used. The use of these machines without complaint in this election seems to answer fully the objections of Profs. Depuy, Olson and Leutwiler that the machine was too heavy to be practicable. On this question the testimony shows the machines weigh about one thousand pounds and are so arranged that three men handle them with expediency, they being conveyed from the storage room to the precincts and back in loads of from three to five each. That Anthony Czarnecki had no doubt of the practicability of the machine, and that he opposed the letting of the contract either for newspaper purposes or because he thought it inadvisable to purchase so many machines at one time, is indicated by his motion appearing on page 2534, typewritten record, from minutes of Board of Election Commissioners of June 30, 1911, page 136:

"I hereby renew my motion upon which no action has been taken up to date, and now move to limit the first purchase of voting machines to 120."

That the people of Chicago favored the installation of voting machines was evidenced by the referendum election on that question, the vote being, yeas 229,577, and the nays 27,081, as shown on page 2872 of the typewritten record.

Considerable time of the committee was taken up in showing that many of the machines used in the 1912 election either had no seals or that the seals were broken or loose, or that the records of the seals did not correspond. The seals referred to were frail, self-locking, thin metal seals, comparing with those used to seal doors of box cars. They were numbered, the numbers having been stamped in them and they were used over the curtain lever of the voting machine. The curtain lever is a lever attached to the voting lever of the machine, and it automatically closes the curtains behind the voter when the voting lever is thrown by him to release the voting keys, thus making the casting of his ballot secret; and when the voting lever is thrown back by the voter to register his vote the curtain lever automatically throws back the curtains permitting the voter to retire from the machine. This curtain lever is folded back against the machine proper when the machine is boxed for shipment to or from the warehouses, and it was to hold the curtain lever in place while the machine was boxed that the seals referred to were used. They had no part whatever in protecting the integrity of the ma-

chine notwithstanding the attempt of the attorney for the committee to make it appear so in the report he drafted and in conclusion two thereof. The seals were not required to be used in the voting machine law. Because of their frailty many of them were unintentionally locked or otherwise destroyed by the election officials during the conduct of the election before the close of the polls, or they were destroyed in removing the machine at the close of election. They were too easily destroyed to be practical and were not used in the later election in which machines were used. An ordinary twine cord would have answered the purpose of the seal and in many instances where the seals had been destroyed cords were used.

The voting lever, to which the curtain lever is attached and over which the seals were placed in the 1912 election, is protected by a lock, locked with a key, and the lever could not have been moved without unlocking that lock. There is a further and complete check and protection against voting after the returns have been taken from the machine by the election officials at the close of the election. This check is the protective counter. This protective counter is incased in the machine and no one can obtain access to it. It runs from zero to one million and then automatically sets itself at zero again. The number it shows is taken by the election officials at the opening of the polls and again at closing, thus showing the number of votes cast. This protective counter would show without fail if the voting lever of the machine were thrown by any one after the polls had closed and its record taken by the election officials, and it is not possible to record a vote on the machine without doing so by the use of the voting lever.

As stated, the fact that many of the frail seals over the curtain levers of machines were not intact when the machines were opened later at the warehouse, did not indicate that the machines had been tampered with. They could not have been tampered with by the use of the curtain or voting lever without the protective counter showing it. This was well known to the attorney for the committee, and notwithstanding this he devoted all of conclusion 2, and pages 77 to 80 of the typewritten report he prepared for the committee, to this matter. We quote from his report as follows:

“Further evidence of defective or fraudulent use of the machine, of a wholesale character was supplied by the testimony of Mr. Lawrence F. King, special custodian appointed by the court to have official charge and cus-

tody of the returns of the general election of 1912, and of the recount of those returns in the Hoyne-Rinaker-Cunnea contest over the office of State's Attorney of Cook County, and by that of other witnesses who testified in regard to changes of voting machine seals between the close of election and the opening of the voting machines for recount. * * *

When they were thus opened it was found that no less than 107 of the seals placed upon the voting machines by the election judges at the close of election were no longer on the machines and that other seals had been substituted for them. * * *

No explanation of this state of affairs was asked for by the Board of Election Commissioners. The following is quoted from the same page of the printed abstract:

'Mr. McEwen (to Mr. Czarnecki): Did you ask any of the judges or clerks to explain the discrepancy.

Mr. Czarnecki: No, sir, we did not.' "

Now it seems to us that this question and answer does furnish an explanation in that even Mr. Czarnecki, who as one of the Board of Election Commissioners was directly interested in the matter, thought so little of the fact that the seal numbers did not correspond he never even made a single inquiry in regard to it. The probabilities are that in most of the cases where the record of the seal numbers did not correspond, the judges of election did not correctly read the seal numbers, the numbers as above stated, being stamped in the seals. However the difference may have occurred, there is not a single word of testimony in the entire record in this case that a single one of the 107 machines where the seal numbers did not correspond had been opened after being closed by the election officials, and not a single word of testimony in the record that a single vote had been changed on a single one of the machines, and not a single word of testimony that notwithstanding the seal numbers did not correspond, the judge who tried the Hoyne-Rinaker-Cunnea contest did not count the votes from those machines in that contest.

Because of these matters it seems to us that the attorney for the committee is deliberately trying to mislead those who may read the report he prepared when he states that "further evidence of defective or fraudulent use of the machine, of a wholesale character was supplied by Lawrence F. King," etc.

About one-half of the report prepared by the attorney for

the committee related to the objections made to the contract made by the Board of Election Commissioners with the Empire Voting Machine Company, including those of Mr. Czarnecki, the minority member of the Board, and the protests filed by other voting machine companies, and the other one-half to what is known as the Duke statement and the controversies arising over it. We have already shown that in our opinion no proof of any fraud or intentional wrongdoing of any kind by the Board of Election Commissioners appears in the record. The so-called Duke statement is identified and fathered as follows: Thomas A. Boyer, a citizen of Illinois, visited his father at Washington, Iowa, a point about 30 miles from Ottumwa, on May 30, 1913. While there Boyer and Duke were introduced, supposedly in a casual meeting. Duke stated to Boyer that he represented three men who had a contested claim in the sum of \$1,500 against the Empire Voting Machine Company, which he could not collect, but which he might collect if he could get some publicity for the claim. It later transpired that settlement of the claim had been made by way of compromise by entering into a written contract for the payment of one thousand dollars on certain contingencies, the contract having been entered into on May 24, 1913, a few days prior to the time of the Boyer-Duke introduction. The Duke statement was supposed to have been written by Duke and delivered to Boyer and purported to quote the three men interested in the claim against the Empire Voting Machine Company. The statement was not signed by any one; it did not contain the name of Duke; it did not contain the name of either of the parties it purported to quote; its nearest identification appears in the opening sentence of the statement which is: "We have lived in Ottumwa for thirty-five years, fifty years and fifty-five years respectively."

Surely this is not sufficient to fix responsibility for the contents of the statement on any one at all. It could be nothing but hearsay several times removed. The committee very properly refused to consider the statement. The rulings thereon, however, announced by the Chairman were to the effect the statement might be admitted later, and as the statement reflected on a certain citizen of Chicago, an affidavit was made by one Edward E. Marriott quoting the three Iowa parties as denying the matter contained in the Duke statement, the affidavit also reflecting on certain citizens, particularly one, of Chicago. The Marriott affidavit was submitted to the committee to be held with the so-called Duke statement and

to be considered if a later ruling of the Committee should admit that statement. When the contents of the affidavit became known the attorney for the Chicago citizen therein particularly named, appeared before the committee and asked that both the Duke statement and the Marriott affidavit be admitted in the record. The attorney representing the citizen reflected on in the Duke statement also requested the committee to admit both papers in the record. There was not a quorum of the committee in attendance at the meeting when the requests were made for the admission of both papers and a majority of those present decided, in view of the request of the attorneys representing the two citizens reflected on, to admit both the Duke statement and the Marriott affidavit in the record. Neither of these papers had any bearing in any way on any matter properly before the committee, and neither should have been admitted in the record or considered by the committee as there was not a word of evidence in the record in any way connecting either of the parties against whom reflections were cast with the Board of Election Commissioners, who made the contract for the voting machines, or any member thereof. Notwithstanding this there was much time of the committee taken up by the attorneys arguing the matter and all of the typewritten report prepared by the attorney for the committee from page 49 to 71 is devoted to the Marriott affidavit and Duke statement, and the controversies arising over them. From this it would seem that the attorney for the committee thinks that the reflections cast in those papers should receive the widest publicity possible, even though as stated, neither of them should have been admitted in the record or given consideration by the committee.

Reference is made in the report prepared by the attorney for the committee to seventeen witnesses called before the committee from the 20th precinct of the First ward, it being sought to prove by them by their oral testimony that the machine must not have correctly recorded their votes. These witnesses were all or practically all of a low order of mentality and in view of that fact and their demeanor while testifying no serious consideration could be given their testimony as against the undisputed evidence of the experts employed by the committee that they had never seen the mechanism of the machine fail of proper action.

The statement from conclusion one: "That the experiments showing possible manipulation by the voters this committee does not consider so serious a source of practical fraud in elections conducted with voting machines as those pos-

sible by the judges of election and by the custodian of voting machines especially the latter"; indicates that the voter, even in the opinion of the attorney for the committee, has but little or no opportunity to practice fraud on the machine. For the election officials to do so would necessitate collusion among all of them and the watchers and others present at the polling place as well. The machine is provided with five locks, only three of which are in the control of the election officials. The other two give access to that part of the machine where the machine is so set or arranged for each separate election as to permit of voting only for the candidates in that election, all other voting keys on the machine being locked. The two keys giving access to this portion of the machine are known as the custodian's keys and kept by him. They are not sent out with the machine so the judges of election never have access to that portion of the machine and cannot set or arrange the machine for fraudulent voting. Every fraud the election officials can commit on the machine they can more readily commit on the paper ballot during the progress of the election, and in addition thereto they have the opportunities for fraud with the paper ballots during the counting of the ballots which is absolutely foreclosed to them by the machine.

This leaves the possibilities of fraud being committed on the machine to the custodian. While we think the possibilities of fraud by the custodian were safeguarded against by the Board of Election Commissioners in the elections where the machines were used, and while there was not a single word of evidence anywhere in the record that any machine used in any election had been wrongfully or fraudulently set by the custodian, still we think to allay the suspicion that might arise in the minds of the citizens, and to prevent the possibility of a corrupt custodian from fraudulently setting the machines we suggest that provision be made by the Board of Election Commissioners for representatives of the different political parties to be present while the machines are being prepared for the election, and the keys to that part of the machine then be returned to the Election Commissioner's office to be held by them during the election and for not less than ten days thereafter. This would allay any suspicion the voter might have as to the setting of the machine.

Conclusion two relates to "seals" to which we have above referred, and conclusions three and four seek by inference to place the shortcomings of election officials on the machine. We deny that the machine should be charged with such shortcomings.

Conclusion five relates to the machine with reference to

primary elections. The machine purchased contains 630 voting keys and will take care of primary elections where there are fewer than 630 candidates but will not take care of primaries where there are more than that number of candidates.

Conclusion six relates to the provision of the law requiring the machine to be so constructed as to permit the voter to cast his vote in one minute. With reference to this matter we wish to say that in our opinion in a general election having as many candidates as the election in the fall of 1912, the ordinary voter would likely not be able to vote a split ticket within one minute and therefore recommend to the legislature that the voting machine law be amended in this regard as provided in House Bill No. 981, introduced by Representative Ferdinand A. Garesche on June 3, 1915.

Conclusion 7 seeks to say that the Board of Election Commissioners in making the contract to purchase the machines did not give due consideration to reports of previous investigations of voting machines. This charge, we think, is not borne out by the proof in the record. In all previous administrations after the adoption of the Voting Machine law there was an insistent and persistent demand on the part of the people and especially of the daily newspapers that voting machines be installed in Chicago and that action to that end be taken at the earliest possible moment. Every objection to the Empire machine pointed out by those who examined it for the Board of Election Commissioners in 1910, except the one of weight, which objection experience has shown is not a serious one, had been overcome in the Empire submitted in 1911.

What reason caused the great change of sentiment in regard to voting machines among the Chicago newspapers following the year 1910 does not definitely appear in the record but the answer may be found in the fact that a change of administration occurred.

Conclusion 8 charges the Board of Election Commissioners with: official carelessness justly deserving criticism if not condemnation; because of the method of financing the purchase of the machines. The Board is charged by law with the purchase of election supplies and the voting machine law authorizes the method of financing pursued. We again repeat that there is not one word of evidence in the record showing any fraudulent or intentional wrong-doing on the part of the Board or any member thereof in the purchase of the machines and we prefer neither to condemn nor commend their action in making the purchase, preferring at this time to let the experience of succeeding years prove whether their action showed bad business judgment or good business judgment.

OBSERVATIONS.

The change from the paper ballot to the machine is a great one, and one for which the people must be educated. The change is, we think, greater than was the change from the old system of voting to that of voting under the Australian ballot law and it will be recalled that that change brought misgivings to many of the voters as to the advisability of the change. Because of the necessity of educating the voters to the use of the machine, machines should be loaned to and their use encouraged by clubs, lodges and other organizations in the election of their officers and such other elections for which the machines may be used. We think that when educated to the use of the machine, it will be preferred by the voter to the Australian ballot, just as the latter is now preferred to the former system of voting.

The experience in the spring election of 1913 where 130 machines were used in precincts where no paper ballots were used, and where no contest resulted, and where no question of the accuracy and integrity of the machines arose, we think, suggests the proper method of educating the people to the practical use of the machine. That in such elections as do not have an extremely large number of candidates the machines should be used without the use of paper ballots, and in the elections where there are an extremely large number of candidates, paper ballots should be provided, as well as machines, as was done in the 1912 election. Experience, we think, will demonstrate that the machine will permit of voting at the rate of one or more per minute and thus eventually permit a discontinuance of the use of paper ballots in precincts where machines are used even in elections having an extremely large number of candidates and also permit a reduction in the number of precincts where they are used.

Because of the ease, rapidity and accuracy of taking from the machines the result of the election at the close of the polls, in contrast with the long and tedious method of counting the paper ballots, and the opportunities for fraud during the same, the use of the machines should be encouraged as rapidly as the education of the people in their use will permit.

Respectfully submitted,

S. D. CANADAY,
F. C. CAMPBELL,
W. R. SHAW,
JOHN KASSERMAN,
F. A. GARESCHÉ.

ABSTRACT *of* PROCEEDINGS

OF THE

LEGISLATIVE VOTING MACHINE INVESTIGATION COMMITTEE

VOLUME I.

Page of
Record.

AMOS MILLER:

- 2-3 Resides at Hillsboro, Illinois; Democratic member and secretary of the State Board of Voting Machine Commissioners appointed in 1903 by Governor Yates; served since appointment to date. Produces copy of minutes of Board which is admitted subject to verification. Witness thinks he has examined thirteen or fourteen machines.
- 5 Board approved every machine examined by it except one incomplete machine of which witness does not recall the name.
- 6
- 7
- 8-9 Witness gives list of voting machines examined by Commission of which he was a member, including:
Winslow Voting Machine, examined February 13, 1904.
National Voting Machine, no date.
Universal Voting Machine, examined March 10, 1904.

United States Standard Voting Machine, examined June 7, 1904.

National Voting Machine, examined September 28, 1905.

Dean Ballot Machine, examined October 10, 1905.

Triumph Voting Machine, examined same date.

Columbia Voting Machine, examined same date.

Wilcox Voting Machine, examined October 21, 1907.

American Vote Register, examined January 25, 1908.

10 Empire Voting Machine, examined March 20, 1911.

A number of Empire Voting Machines "I think twenty," "of the same make as the one examined March 28th, 1911, examined March 20th."

Q. Were those twenty machines Empire Voting Machines, or United States Standard Machines submitted by the Empire Company? A. I understood they were Empire Voting Machines.

11 Witness understands the twenty machines were machines to be put on exhibition or test in the City of Chicago at the following election. The machines were examined in the City of Chicago at the barn of the American Express Company, 538 Seber street. The twenty machines were examined for one fee, in addition to the fee for examination of the Empire Machine on March 20th.

Three machines of the twenty were rolled out of the box. "We looked them over, not particularly, but casually, to see that they were of the same type as the one that we examined on the 20th. They were very heavy. We noticed the box was stamped 'Empire Voting Machine Number so-and-so'; and what we were doing then was merely perfunctory as I understood it, and really unnecessary, but that is not for me to decide that it was not. So we counted the number of boxes that were endorsed, took hold of them and tried to roll them around and found they were as heavy as the others. They had the Empire Voting Machine name on them; and the number on the box."

From the examination made the witness cannot state positively that they were Empire and not United States Voting Machines that were then examined. The three examined were evidently the same as the one examined on March 20th. We issued a certificate as to the twenty.

13 December 18, 1911, examined a voting machine of the

Empire Voting Machine Company of Jamestown, New York, No. 4362. Witness thinks that some of the Chicago Election Commissioners were present at the examination. Remembers Mr. Judge; does not remember the names of the other two. Witness thinks the attorney for the Election Commissioners, thinks Wheelock is the name, was also present. Did not have any mechanical expert assist in the examination. His best recollection is that the State Board spent three hours examining the Empire Voting Machine. That was the first time an Empire machine was examined, which it seems was on March 20th, 1911.

Witness does not recall that an Empire Voting Machine had been examined in 1909. "I find this minute on the night of June 28th, 1911. 'Empire Voting Machine Company of Jamestown, New York, request the Board to examine twenty machines, the same known as the United States Voting Machine, a type of which machine was examined by the Board June 7, 1904, being No. 1828.' "

Empire Voting Machine (No. 4071) examined March 20th, 1911, was a nine-party, 70-key machine, according to witness' best recollection. Examination was not attended by any other officials than Election Commissioners, nor by representatives of any civic bodies. Demonstrators of the machines examined were present. Board examined restricting devices, restricting number of candidates voter could vote, for grouping candidates, such as Legislative, Sanitary District, County Commissioners and Judges. Did not examine machine with reference to Primary Law devices.

Tested machines by voting upon it and looked through back part and front part of machines. Examined machine as to possibilities of manipulation and concluded that, "It was safe in the hands of honest people." "But does not believe you could hardly keep them from manipulating any machine, or collusion—where there was collusion a custodian, if dishonest, could manipulate it."

Judges could manipulate machine if dishonest. Witness does not think voter would have time to manipulate it. Did not make any inquiry into how custodian or judges, or voters could manipulate machine.

Cross-Examination by Mr. Mitchell.

25 Witness concluded that Empire Machine fulfilled requirements of Illinois Voting Machine Law, and he believed his associates on the State Board of Voting Machine Examiners signed a statement to that effect.

26 Machine could be manipulated by dishonest judges, clerks, and voters; so could the Australian Ballot System.

28 *Cross-Examination by Mr. McEwen.*

 The reports made by witness and Mr. Emerson were filed with the Secretary of State. In making examination of machines had in view whether they complied with the requirements of statute. Witness was not influenced
30 by Election Commissioners in making reports; it was his own independent judgment.

31-2-3 Witness identifies as documents concerning which he testifies two certificates of State Board of Election Commissioners for Empire Voting Machines, 4071, examined March 20th, 1911, and 4362, examined December 18, 1911.

33 Witness does not recall that Voting Machine Commissioners made examination in reference to primary elections, but after reading certificate stating that the Inspector of Elections may so set the machine that the voter can vote only for the candidates of the party with which he has declared affiliation, says they must have made examination of the machine in reference to primary elections.

 Documents identified as Owens' Exhibits 1 and 2 of this date, and at the request of the Chairman marked,
34 "0.1, and 0.2, 7-22-1913."

Re-direct Examination by Mr. Dencen.

34 State Board examined voting machine especially with reference to one minute voting requirement and witness understood the provision of the statute for precincts of 600 voters. Witness said and says the average voter could read the questions and vote a straight or split ticket in one minute. Does not recall examining machine in reference to primaries. Witness presumes that custodian could manipulate machine without knowledge of judges or clerks. The voter could hardly do it in a minute, but that depends upon the voter "how smart he was." "The re-

mark would apply to anyone who could get access to it and wanted to do it."

37 State Board, in examining places for voting for independent candidates, did not test whether one could write 29 names in the space allotted.

39 Witness thinks that examination of one machine of a type is sufficient examination to cover all machines of that type; thinks that is the law.

41 Witness was informed that the Election Commissioners said that the twenty machines must be examined, additional to the ones already examined by the State
42 Board. One fee was paid for the twenty machines.

Senator LANDEE. Q. Now, you stated, in giving the machines you examined the first time, the Empire Voting Machine, that the second time you made an examination, it was a Standard, at the request of the Empire. Then the Empire had two machines, you examined one at one time and one at another, but they were different types of machines?

A. Well, United States Standard.

Q. Yes, the Standard once and the Empire; first the Empire and then the Standard, so that the second examination you made at the request of the Empire was not of the same machine, it was of a different machine, it was of a different machine, wasn't it? A. It was of the same type, as I understand it.

43 The witness will not undertake to say that it was the same type at this late day.

Mr. McEWEN. The testimony of the witness shows that the first examination of the Standard was June 7, 1904. In March, 1911, a request was made to examine an Empire and in the witness' note he states that it was the same type as the United States Standard, but the witness examined it as an Empire.

44 Mr. DENEEN. The fact is that 166 Standard Machines were used in the election of April 4th.

45 The witness says the first examination of Empire Voting Machines was March 20th, 1911; March 28th examined the twenty and in December following examined another Empire Machine. "A. Well, on the 28th of March, which is between the times that we have examined those other two Empire Voting Machines, we examined the twenty machines and the minutes states that the Board examined twenty machines, the same known as

United States Voting Machines, the type of machine which was examined by the Board June 7th, 1904."

49 MORRIS EMERSON:

Lives at Lincoln, Illinois. Has been a newspaper man 37 years, all his life. Has published and edited newspapers at Albion, Mt. Vernon and Lincoln, Illinois. Appointed member of Voting Machine Commission 1903 and served ever since. Thinks he examined about twelve to fifteen machines in that time and approved all but one. All examinations made in Chicago at the office of the Board of Election Commissioners, with one exception; that was the last examination of the Empire Voting Machine.

51 The Election Commissioners were present but did not take part in the examination. Some examinations took half a day; some all day. Didn't take machines apart. Examined restricting devices, lock-outs, group voting, and women's voting. The only time primary elections were mentioned to the State Board of Voting Machine Examiners until the last examination, was "just previous to the adoption of the primary law in this state." The examination was made in March and the primaries came off the following April, 1911.

53 The Board never took machines apart. Did not have any expert sent for by the Election Commission to assist them. Demonstrators of the machines were present who demonstrated the features of machines and the Board tested them afterwards in voting. Thinks Judge Miller and himself voted on the machine when the demonstrators were not present. The State Board was shown the keys to the doors in the back of the machine and was "told that one key was to be placed in the hands of the Democratic judge and the other key in the hands of the Republican judge." The lower key was controlled by the custodian, not by the judges and clerks. The State Board examined the mechanism behind the lower door controlled by the custodian. Witness could not see how any one individual could manipulate machine.

Q. Well, the custodian could easily do it, couldn't he?

A. What do you mean by the custodian, when the election is in progress?

Q. No, the custodian at the storage house. A. The

presumption is that the machine is to be set by the judges after it is placed in the booth.

55 Q. That is it. A. Yes, when you put the machine up, it is the duty of the judges, the judges, to see that the machine is set properly and registers in counting and everything is all right.

Q. You were examined on the law, I think. They have no key to the lower door; they have nothing to do with putting up the restricting devices; the judges are specially prohibited by law. A. If that is the case—

Q. I don't want to let the answer stand without calling your attention to that. A. If that is the case, anybody could manipulate the machine.

Q. The custodian could? A. Yes, anybody could.

56 The judges could not turn the wheels from the rear,
57 only from the front. The judges could not set the machine to register fraudulently or fail to register. The custodian could. The machine could be set so that the voter could vote for five candidates or any number; just according to how it is set.

58 "We never made an examination on them (primary elections). I suggested at the time, referring to the time at the examination just previous to the primary election, that I did not think a machine could be manufactured to meet the demands of the primary in this state; that it would be entirely too cumbersome."

Cross-Examination by Mr. McEwen.

Q. You made and signed the reports, copies of which have been produced here, wherein you stated that the Empire machine could lock out and confine a voter to voting his party candidate? A. Yes.

Q. Did the Empire Machine do that? A. Yes.

59 Q. Let me direct your attention; this portion is the same in each of the reports, one in March and one also in December. "We also find that the machine complies with the Illinois law relating to the use of machines at primaries and that it can be so set by the Inspector of Elections that the voter can vote only for the candidates of the party with whom he has announced his affiliation, even though more than one party appears thereon." A. It could be, if you make the machine big enough, there is no question about what it could be made, but to do so it would be cumbersome.

- 60 In making the statement I had in mind the immense primary ballot in Cook County at that particular time. The State Board certificate simply covers this, that the machine could be extended and you could vote 500 on the machine. The machine could be set so that more than three votes could be cast for candidates for the Legislature.
- 61 If the machine is wrongly set by the custodian, the person who inspects the machine could discover it. Manipulation would require the use of three keys and the connivance of three persons, the custodian and the Democratic and Republican judges of election.
- 62 If the custodian locked the key for one candidate, for instance, the State's Attorney, the voter could discover that it was locked.
- 63 The State Board examined voting machines with reference to the requirements of the Illinois law and honestly believed, and their best judgment was, that the machines did comply with the Illinois law.

VOLUME II.

Afternoon Session, July 22d, 1913.

- 71 MORRIS EMERSON (continued):

- Witness thought that judges had access to the lower rear door and that idea entered into his judgment in passing upon the machine. Now, witness thinks it impossible for judges to adjust restrictive part of machine without custodian. Judges would have to have keys to the entire machine, the custodian's key, the Democratic judge's key, and the Republican's judge's key. The machine could be set so that the voter, at the time of the election, could vote for candidates of his own party and of some other party or parties at the same time. The independent voter, who desired to write names in the slides, might not be able to vote in ten minutes. Witness thinks that the objection to the size of the machine, in primaries, would apply to all machines; believes voting machines would be impracticable in a primary under our present law.
- 74 Mr. McEWEN. Q. Do you think that the tendency of elections in the matter of voting at primaries is that we

will have a larger number of candidates in the future or less number?

Mr. DENEEN. I object to that.

The CHAIRMAN. I did not get that.

Mr. McEWEN. I am asking him in regard to the tendency of increase or decrease in the number of names to be voted at primaries, whether the tendency is to increase or decrease, or remain as it is. In considering a voting machine, necessarily the element of the future would enter into its practicability and desirability for purchase. I want to get at Mr. Emerson's ideas as to whether or not the machine, any machine, could be used.

78 A. "Well, we certified to the Secretary of State that
that machine would meet the requirements of the primary
law and I say that yet, but, as I said, I would accompany
it with the statement that it will be so cumbersome and
so large that it would embarrass a voter so that he would
hardly know how to operate the machine; he would get
lost, he would get in a maze of keys there, and names,
and would lose him, but I think that the machine is best
adapted to where there is a short ticket and fewer names.
I think the machine is very desirable in any election
where you can have—where there is no cumulative vot-
79 ing. Cumulative voting is a bad thing on the machine;
it is hard for a man to divide up his vote if he wants to
vote for someone not on the ballot, which he has a right
to do under our law"—etc. "As between the machines
and cumulative voting, I would abolish cumulative voting.
81 "I think the number of straight ballots would be de-
creased on the machines, because a man would be in a
hurry to vote."

82 The witness thinks that the ordinary election shows 70
per cent. scratched and 30 per cent. straight votes.

83 The interlocking primary device on the machine is con-
84 trolled by the judges. The voter can protest if the judges
lock him out of his party ticket, and can leave the ma-
85 chine for that purpose without voting. The Voting Ma-
chine Commissioners never passed any machine as to
primaries except that it could be made to meet the pur-
poses of the primary. The primary switch was on the
86 Empire Machine when the Voting Machine Commission-
ers examined it and it was shown to them. It is left on
the machines at the regular elections. The same switch
is used to lock out women voting on anything but Uni-
versity Trustees.

89 ISAAC N. POWELL:

Resides 6826 Bennett avenue, Chicago. Was appointed Chief Clerk of the Board of Election Commissioners in May, 1895, and served in that office continuously from December, 1894, until March, 1909.

90 The voting machine matter was called to the attention of the Board about 1904. One voting machine was used in the following spring elections and another in the fall election. After the question had been voted on in the fall of 1904 witness thinks the Board of Election Commissioners advertised for bids. The Board delayed action until the Supreme Court passed on the question whether the voting machine was valid. Witness thinks in 1905 the Board received some tentative bids which the witness thinks were returned without being opened.

In 1905 about a dozen machines were used in the April election and a number in the fall election; also in the spring election of 1906, or 1907, 37 machines were used.

92 The first appropriation (of \$100,000) for voting machines was made by the City Council in 1907. The Board advertised for bids to be opened October 31st, 1907. These were all finally rejected.

Q. What was done after the bids were opened with reference to examining machines? A. We advertised for bids along in the summer, about July, along about the 10th or 15th of July, and on the 31st of October, or about then, the Board opened the bids and took charge of the machines that had been submitted in accordance with the bids and turned them over to the experts that had been employed by the Board; and they also used them in a number of exhibitions that were held there for the purpose of judges and clerks of election and citizens generally that wanted to vote on them.

The experts were C. E. Deput of the Lewis Institute; Mr. Leutweiler of the University of Illinois, and Mr. Olson of the Fort Dearborn Machine Company. They were also examined by officials of the Board; not by experts.

93 The public, members of different clubs in town and public officials were invited to inspect the machines and two days were set apart for examination by Election Officials. The examinations occupied 40 or 50 days, and the companies were then given 40 days' time to satisfy

the Board's idea of a practical machine and they came back in March. The bids were all rejected.

94 About January 15, 1909, the Election Commissioners advertised for bids and the time for opening bids was set for September. An appropriation of \$100,000 was again made by the City Council. Witness appeared before the Finance Committee in the interest of the appropriation and did not ask for more than \$100,000. Witness was not connected with the office when the bids were opened on September 15, 1909. Had left the office in March.

95 The southern terminus of the Election Commissioners' jurisdiction is 138th street, about Hegewisch, about 15 or 16 miles from the Chicago courthouse. The northern terminus is Devon avenue, about 10 miles from the courthouse; the western terminus about 6 or 8 miles from the courthouse. The territory extends about 28 miles north and south and 6 to 8 miles east and west. Chicago averages about four elections each year.

Cross-Examination by Mr. McEwen.

97 United Standard machines were used in different tests in 1904 and 1905 in the spring. In the fall, United States Standard, the Dean, the Columbia, the Winslow, the International, and the Triumph, and also the Ball machine. About six machines put in bids in answer to the advertisement.

98 Witness examined some machines himself and heard discussions in the meetings of the Election Commissioners. On some machines they could vote for more people than the law permitted, and in other cases they could not vote for candidates the law permitted them to vote for. All the machines were in this condition to a more or less extent.

99 Witness does not remember doing it on the United States Standard Machine.

100. Mr. McEwen reads from an article written by the witness: "The writer has yet to see any machine that would permit a voter to spoil his ballot in any particular. It is true, the machines will not require a voter to vote for all the candidates for whom he is entitled to vote, but it will permit him to vote for more candidates for the office than the law permits and thereby lose his vote as to that office."

The witness said in the article that the machine reduced opportunities for dishonesty. Witness had no knowledge of machines except in this community.

- 102 The machine is subject to the dishonesty of men. Wit-
103 ness would not make some of the statements in the magazine article as strong now as when he wrote it, because of later experience and experiments of experts. The article stated Chicago would save \$76,000 a year, but witness now thinks the statement would need revision.

Re-direct Examination by Mr. Deneen.

- 105 When the article was written, machines had not been adopted and had been used in only one or two precincts. The article did not favor any specific machine.
107 At the time of writing the article, witness did not have in mind the territory over which voting machines would be hauled. Weight and size of machine would make a big difference in this regard.
108 Witness, as Chief Clerk of Election Board, prepared specifications principally; the Board and the witness collaborated. They were approved by the Board. The present Empire Machine had not been originated when the witness left the Board. The Empire was a combination of other machines.
109 The witness thinks he was there when the combination was made.

ABEL A. BACH:

- 6005 La Salle street. Now connected with the Fire Marshal's office. Became election commissioner in 1905 and served until December, 1910. The Board called for
110 bids on voting machines and companies submitted bids, witness thinks, in 1908. In 1907 Election Commissioners placed machines in certain precincts for experimental purposes; thinks between twenty and thirty machines.
112 Bids were called for by commissioners in 1907 and were opened about March, 1908. Bids had been opened in October, 1907, and rejected March 23, 1908. Between these dates the election commissioners had a public investigation of all voting machines and had three experts examine them, Professor Depuy, Professor Leutweiler and Mr. Olson. At the Public Investigation the competi-

Rejection of Voting Machines by Former Commission. 13

tors examined rival machines. The competitors were not allowed to go inside the rival machines, but were allowed to ask questions and demonstrate and "Beat it if they could." The result was all machines were rejected.

- 113 Bids were again called for January 15, 1909. These were opened September 15, 1909. An appropriation of \$100,000, all that was asked for, was made by the City Council. Machines examined, witness thinks, were the Triumph, the Wilcox, Empire, and the Winslow. Bids opened September 15, 1909, were rejected because the reports from the Board's experts were against the machine.
- 114 Invitations were issued by the Board of Election Commissioners to the judges and clerks after we got through our examination and we instructed the secretary of the Board to notify the newspapers. There were quite a few objections; the machines were not considered reliable.
- 115 Too cumbersome, too heavy, too large. The expense of delivering back and forth was too great. The Board issued a statement at the time it ruled rejecting all machines which was read into the record:

"As in the previous investigation, the machines were thoroughly inspected and tested by three mechanical experts at the instance of the Board. Their detailed reports show that, while substantial improvements have been made within the past year, yet there are still remaining such defects in the mechanical arrangements of all the machines submitted as to preclude their practical use in this city.

"This Board is of the opinion that, among the many necessary essentials required by the specifications, none is of greater importance than that which requires a machine to record the vote in strict compliance with the law, and absolutely prevent a person voting for more candidates than there are officers to be elected.

"A machine which can be so manipulated as to permit a voter to vote for more candidates than the law permits, is fatally defective and its use would only be productive of protest and costly litigation.

"Each machine is found to be seriously defective and their purchase at this time impracticable; therefore, all bids will be rejected.

"The defect in each machine will be shown to the representative of that machine.

"This Board, in response to an overwhelming vote on

14 *Former Commission Defines Voting Machine Requirements.*

the proposition, has faithfully tried to find a satisfactory voting machine. Our efforts so far have been in vain. We do not know when we will advertise again for bids, if at all, but we desire to purchase voting machines as soon as one that is satisfactory is presented.

"Therefore, we desire to announce that if, any time after the 1st day of December, 1909, anyone believes that he or they have a voting machine that will answer our purposes, we invite you to bring it to the Board and the same will be inspected.

"It seems to us that this will be a proper time again to give all the suggestions we are able to in reference to the kind of a machine that the Board wants to buy.

"First. The machine must allow voting in accordance with the laws of the State of Illinois.

"Second. The machine must prevent any voting not in accordance with the laws of the State of Illinois.

"Third. It must be accurate, positive, and incapable of fraudulent manipulation.

"Fourth. We want as small a machine as is practicable.

"Fifth. We want as light a machine as practicable.

"Sixth. And, taking all the foregoing into consideration, we want as cheap a machine as possible.

"Seventh. When such a machine is presented to us, a purchase will be made."

116 Witness has been in the house-moving and teaming
117 business, and took into account the weight and transportation of machines in considering this. Also the cost of printing ballots for the machine and under the Australian system. Also the question of possibility of tampering with machine; and the Board found, from public demonstration and what experts said, that they could be tampered with.

Different machines had certain good qualities, and a combination was suggested by the Election Commissioners.

119 The Empire machine was created out of the Dean, Columbia, Standard and Empire after the fall of 1909. This new machine was submitted to the Election Commissioners and was also rejected, on the reports of the Board's experts, for practically the same reasons.

120 The witness, on several occasions, tried to vote on the Empire Machine. Once, shortly before the election of November, 1912. Found he could vote $3\frac{1}{2}$ votes for Rep-

- representative. When the machines were on the floor of the Election Commissioners' room, the employe would call
121 attention and say, "I could vote 11 votes for County Election Commissioners," and "I could do so and so." Witness said that machines will be adjusted before election and paid no further attention. The Election Commissioners kept 20 or 30 or more expert mechanics at the rooms to go from precinct to precinct to repair machines that got out of order, and automobiles to carry them to the polling places.
122 In using machines for experimental purposes, witness thinks ballot boxes were kept at the polling places so the voter could take his choice. The Election Commissioners asked for not more than \$100,000 and were given to understand they could have more if they needed it. Only \$100,000 was appropriated.

123 *Cross-Examination by Mr. McEwen.*

- The witness voted $3\frac{1}{2}$ votes three or four days before election day. Didn't try to do it election day, but voted a ballot.
124 The machine was probably not adjusted when the witness voted $3\frac{1}{2}$ votes.
125 The Board advertised twice for bids. The witness is
127 somewhat of a machinist. The Board accepted the views of the three experts. The experts made written reports which were examined by the witness.
129 Bids were asked for by the Election Commissioners
130 October 31, but opened in March, 1908. The next bids were September 15, 1909. The Election Commissioners employed the same experts as before. The Empire was under consideration in both examinations. The witness thinks that the first time the Standard was the favored machine and the last time the Empire was the favored machine.
131 Witness thinks all experts reported it would not be safe to purchase machines. Witness has no feeling against Election Commissioners because of circumstances of his removal from office of Election Commissioner. Has
132 not any particular love for the Judge. And has some litigation growing out of his removal. Witness is not machinist enough to have a judgment upon the limit of lightness of voting machines. Witness does not think that a

voting machine of the same weight and size is practicable in Chicago.

136

Cross-Examination by Mr. Mitchell.

The machine the witness cast $3\frac{1}{2}$ votes on for Representative was a machine the Election Commissioners had in the third precinct of the 35th ward. Presumes it was the Empire. Many people were present. Witness could not give the date.

138

The witness also voted experimentally for 11 County Commissioners. Ten was the legal number. Doesn't remember on what machine.

Re-direct Examination by Mr. Deneen.

Witness was not a member of the Board of Election Commissioners, or judge or clerk of election, or worker, when he cast $3\frac{1}{2}$ votes for Representative.

139

The witness voted almost all the machines that were submitted. The witness was removed from office by Judge

142

Owens. "We were called into the office of Owens, Judge Owens' office, and there he told us that he was glad to meet us, and he said, 'You fellows are all right and I have nothing against you, but the people elected me County Judge and I would like to appoint your successors.' Mr. Hudson said, 'Your Honor, I have two years to serve and I have—I don't know that I have done anything that you would want my removal for, my resignation.' He said, 'This is politics,' and he said, 'A man that can't be a good loser has no business in the game.' The next morning at 11 o'clock we got word that charges had been preferred and heard at 10."

143

Doctor Taylor was the witness' successor.

"Mr. DENEEN. Q. You got word at eleven? What did you do then? What did you do?"

"A. We adjourned until the afternoon, and later on in the afternoon we were unprepared to go on, you know; he practically placed us under arrest and kept us in the custody of the court, and about nine o'clock he removed us.

"Senator BARR. Q. Nine o'clock at night?"

"A. I think between seven and nine he removed us from office.

"The CHAIRMAN. Q. At night?"

"A. Yes.

"Q. In custody of the court. What do you mean by that? Explain so that the Committee understands you. A. He said that Mr. Bach and Mr. Hudson will remain in the custody of the court, and during that time he sent a man over and seized their office and took charge of the office."

149 The witness does not think the machine has been improved since the last time it was before the Board, when he was Election Commissioner. "It is the same machine, as I remember it."

150 The witness' case on removal was appealed to the Appellate Court and Judge Owens' decision affirmed; and to the Supreme Court, which held it had no jurisdiction. The circumstances of removal have given the witness some feeling, but not against his successor.

151 *Re-direct Examination by Mr. Deneen.*

When witness was Election Commissioner, Chicago had 1,329 precincts. The Board also exercised jurisdiction over the Town of Cicero. Invitations were sent out by the Board to all judges and clerks of election to inspect voting machines submitted to the Board.

152 THOMAS F. JUDGE:

Lives 3610 Pine Grove avenue. Was Election Commissioner for about twelve years. Appointed in 1898 and served to November, 1910. Represented the minority, the Democratic party.

153 Witness had to do with voting machine question. After adoption of voting machine law in 1904, bids were advertised for and machines were sent up to the Election Commissioners' office and experts Depuy, Breckenridge, Leutweiler and Olson were employed. All bids were rejected,
154 because the experts said that they did not cover the law as laid down, and the size of the machine, and the cost it would make the taxpayers to handle it. "I did not believe there was any saving, even if the machine was perfect under the law, I thought the cost of transportation would exceed any saving; that was my reason."

155 The experts made separate examinations and did not meet until after they had made final report.

The bids called for January 15, 1909, and were not to be opened until September 15, 1909. When the machines were sent to the Election Commissioners' rooms the experts of competitors' machines were permitted to see what they could do with them. The test lasted a long time, probably 40 days.

156 On voting to reject all machines, the Election Commissioners did not decide on party lines. Invitations to inspect machines were issued by the Commissioners to the editors of all the newspapers in the city, the clubs that were social or quasi-political.

158 Witness had no mechanical ability to examine machines.

159 Witness read reports of Olson, Depuy and Leutweiler. When the report of experts said the machine did not come within the law, that settled it in witness' mind. When Election Commissioner, witness most favored voting machines on the ground of expense. Did not then think machines improved honesty of elections. Also thought machines could be set wrong before voting began.

167 Also witness did the rubber-band trick. The witness examined machines closely enough to have a fair judgment as to whether or not they would improve election conditions and concluded that the machines would

168 not improve conditions at all. Witness thinks that counters can be changed on machines by judges and clerks

170 if they had a key. Witness thinks that election returns can be falsified by the judges reading falsely from the counters on the back of the machines to the clerks who take down the figures.

VOLUME III.

Morning Session, Wednesday, July 23, 1913.

JOHN D. CANNON:

Resides 1811 Larchmont avenue. Since July 11, 1911, Superintendent of Employment under the Lincoln Park Board, Civil Service Law. Was employed previously, for approximately 30 years, with the Western Electric Company, and nearly five years with the Consolidated Fire
177 Alarm Company. Was chairman of the Board of Election Commissioners for about three years and for a little more than that, chief clerk of the Board. Election Commissioner from 1905 until December, 1910. Had to do with voting machines. First bids were advertised for in
178 the spring of 1907. "When bids were opened in October or November, eight or nine companies bid, as I remember it." "As I remember it, all these bids were voluntarily withdrawn and the bidders agreed to submit machines for experimental purposes. Machines were set up in the Election Commissioners' office and tests made. Another advertisement was made in 1907 for bids to be opened October 31, 1907. In the meantime, the Council had made an appropriation of \$100,000.

179 After the bids were opened October 31st, the Board employed experts to examine machines and answer certain questions. At the first examination the experts were Professor Breckenridge, of the University of Illinois; Mr. Depuy, of the Lewis Institute, and Mr. Olson, of the Fort Dearborn Manufacturing Company. Professor Breckenridge took a position with some college in the East,—Yale or Harvard,—and his successor completed the examination. All bids were rejected.

Besides the experts, all civic bodies were invited by the County Judge and the Secretary of the Board, to examine the voting devices on exhibition.

180 For all judges and clerks of election, certain days and hours were set. The general public was invited, too. Also the newspapers. There were then about 1,326 precincts and about 6,500 persons were invited to inspect the machines of judges and clerks alone.

The Board advertised for bids about January 15, 1909,

to be opened September 15th. A long time was given to give everybody an opportunity to present voting devices to the Board and to get the fullest competition. In that year also an appropriation of \$100,000 was made by the Council when the budget was made up. The 1909 advertisement brought in, the witness thinks, four machines. The Triumph, the International, the Wilcox, and the Empire.

- 181 The same three experts again examined the machines.
 182 The same opportunities were afforded to others as before, and the newspapers, the general public, invited, and the judges and clerks of election were requested to come in, and many of them did come. As witness recalls, the examination lasted four or five weeks. Each of the three
 183 experts examined all three of the machines and made a separate report on each to the Board. Then a public hearing was held, and the agents of all machines were asked to prepare questions to be asked of the demonstrators of other machines than his own to be ready to attack the opposing machine, and if demonstrator, for reasons of personal friendship, or other reasons, did not like to ask questions of fellow demonstrator, they were asked to hand in questions to the Board so that the Board might ask them so that the Board had the experts' experience and the knowledge of voting machines of all the voting
 184 machine experts in the country. The result was that when the rival demonstrators were through with the various machines, there was not much left of them. They were all defective and all admitted they were defective. No one who saw the demonstration and examination would recommend the purchasing of any of the machines there exhibited. A combination of several of the eight companies that exhibited was begun then and there, and one of the representatives of the companies that went into the combine showed a memorandum indicating the interest of each of the companies that combined or went into the
 185 supposed new company. Four companies that had combined were the Federal, Dean, Columbia, and the United States Standard.

After the tests the Board refused to purchase machines. The Board also made a written statement holding out certain objects in regard to future contests and set forth certain features that would have to be in the voting ma-

chines. This was given to the public. It was the statement read yesterday.

189 The consolidated company, that is the Empire Com-
pany, presented a machine afterwards, either in the early
part of 1910, or latter part of 1909; that machine was
190 tested by the three experts employed by the Board was
proven defective, and rejected. Neither the Empire nor
any other company presented a voting machine after that
rejection. As chief clerk, the witness looked into the
question of transportation and storage of voting machines;
the cost of printing ballots to be placed on the machine,
and every other item that may enter into the expense, to
191 see whether or not there would be any saving to the tax-
payers, and "found there was really no saving to be
made."

Thinks that the memorandum showing proceedings of
the Board on voting machine matters was left in the files
of the office and should be in the files now. The items
showing no saving, from a financial standpoint, from the
use of voting machines, included everything that entered
into the handling of voting machines by the Board of Elec-
tion Commissioners in the territory under the jurisdiction
of the Board.

192

Cross-Examination by Mr. McEwen.

Witness knew of favorable vote by the people on vot-
ing machine question at the election of 1904 and as Elec-
tion Commissioner and Clerk was trying to find some way
to carry out the will of the people. There was a large
public sentiment in favor of voting machines.

193 As Chief Clerk and Commissioner, witness kept track
of every detail of election matters. Witness has no means
of knowing the number of fraudulent votes counted or
cast in this city at election.

194 As Election Commissioner, witness had an opinion re-
garding fraudulent registration in the First Ward. The
Board erased many thousand names from the First Ward
voting list. Witness has seen ballots marked with two
different kinds of markings called "short-pencilling."

195 Witness knows of precincts in Chicago where well known
and reasonably popular men did not receive their votes.

196 Matters of frauds in elections mentioned in grand jury
reports read yesterday, including false representations,

repeating, falsification of ballots and returns were in vogue in witness' time and before and after. Witness has no opinion regarding illegal voting in the 1st, 18th or 28th wards.

- 197 Witness made a personal examination of voting machines and read Professor Leutweiler's report in detail.
198 Witness thinks Professor Leutweiler rated United States Standard Machine first as the best mechanically constructed machine, but that it was heavy and advised against purchase. Mr. Leutweiler was also favorable to
199 the Empire; and also gave it first place, and so did the other experts, as to mechanical construction alone. Witness includes in mechanical construction, the engineering theory upon which the machine is designed, the character of material entering into its construction, the quality of workmanship put upon those materials, and setting up the machine.

The counting mechanism of nearly all machines was manufactured by the Veeder Manufacturing Company, known as the "Veeder counter." All counters were covered by Veeder patents, except the Dean Company, which has a counter of its own.

- 201 On the Empire Voting Machine, "By manipulating the voting key and juggling and loosening it up a bit, you can get in the lower House of Representatives as many as $4\frac{1}{2}$ votes, and on judges for the Superior Court you could vote for 15, and on County Commissioners you could vote for 11." This was done when the machines were checked for voting by the machine's representative. They were told, "Here are the keys to your machine. Go and fix your machine as though it was to be voted on tomorrow morning."

- The witness looked at the Empire Machine in his voting precinct last November, 1912, and tested it. But used
202 the paper ballot on election day. The witness knew of his own experience that you could manipulate the Empire Machine if you could get at the back of it. "If I were permitted to get at the back of the machine and study its mechanism, I would there learn enough about its construction to go to the front of the machine and, by manipulating the voting key, as I did do with the Empire Machine, and vote the entire ticket when it was supposed to be cut out and only permit the women to vote for University Trustees."
- 203

The witness knows about protective counters. It gives the total vote cast on the machine. It cannot be gotten at. It is sealed. It is set in the machine and runs until
204 it is through running. No way of opening it except to cut it. It is intended to prevent the possibility of enlarging the number of votes in reports of the precinct.

If the judges and clerks examine the protective counter in the morning and again in the evening and report on it, it will show by the difference just how many votes have been cast that day. That should tally with the tally votes in the poll book. The individual counters are set back in the machine, behind the line of candidates. They can disconnect them or lock them out by removing the counter rings that connect the voting key to the voting counter.

205 Disconnecting the counters is a very simple operation for anyone who has access to the machine. The counters are set by the custodian back to zero. He gets at the counters by having access to the back of the board. It was only necessary to get at the upper portion of the machine to set the counters on the other machine which the witness saw. The witness has not seen the back of the machine in the County Commissioners' Assembly Room
206 now. The counters are set with a thin piece of wood.

208 The witness did not see the lock which prevents the counter from being moved, unless it is unlocked. Eight or nine parties bid on the first machine; on the second, four; the last time only one, the Empire. The witness has talked to more than ten or fifteen people that had mechanical voting devices.

209 The process since has been one of elimination of the companies. "I do not believe voting machines are practical. I do not believe it is standing still, though. I do not believe that the last machines are better, mechanically or in theory, than the older machines, than the Standard, or the Columbia." The witness thinks the difference between the United States Standard and the Empire is a combination of the parts of the machine of the old three companies. The Empire had a party lever. The old United States Standard had.

210 The Empire had one key, belonging to the party ticket. The total had to be added to the vote on the same ticket, showing the aggregate vote for the candidates.

The witness examined the material that went into voting machines. The Empire and Columbia were machine

made. The Wilcox was in part hand made. Some of the machines were hand made. Such machines did not have a full set of tools and were not manufactured to the same extent as those of the old companies.

The Election Commissioners found that voting machines were used in Buffalo, New York and Milwaukee. Witness does not know the number.

- 211 The time the examination was made, the Election Board found that there was not any increase in use of voting machines, and that in New Jersey the machines had been rejected by the different counties and voting municipalities. The witness examined reports of the machine companies of the State of New Jersey, on the subject of machines. It was favorable. They were all rejected immediately afterward by the different political divisions in the state.
- 212 The witness thinks there were four companies with a plant and tools to manufacture, including the International. The International had a printing device which ran off the total votes cast on a sheet after the voting day was closed. Witness does not know of any other machine that does this. In all the rest the totals have to be read by the judges and tabulated on the tally-sheet.
- 213 The witness does not think that voting machines are practical in the State of Illinois, the City of Chicago, or County of Cook. No machine has been yet invented which will meet conditions here. There is no other state that has the cumulative voting scheme. There are not so many groups of candidates in the other states as here, and all of those conditions mean added complications under mechanical devices.
- 214 In group voting you have 14 judges; also on County Commissioners. When the group voting principle is carried out to seven feet in length, it is difficult as a mechanical and engineering proposition.
- 215 In machines examined by the witness the metal used was phosphor bronze, steel and aluminum; some brass, but very little.

“Q. You never had any trouble with the City Council in the matter of getting appropriations? A. No, sir; the last time we went there for an appropriation there was some question because of the City being in financial stringencies and the Finance Committee at that time invited the Election Officials, the Election Board, to come before

them when they were preparing their annual budget. We went at that time. Mr. Snow, who was then chairman of the Finance Committee, as I remember it, was present, and we were questioned about the matter. The combined voting machine companies were represented at that time, I think, by John Maynard Harlan. The question was asked, 'Judge, if \$100,000 worth of the machines would be all the City of Chicago would need, if they found,—if the Election Board found an acceptable machine?' I answered for the Election Board that \$100,000 would not buy all the machines that might be needed by the Board, but they did not purpose at that time to buy more than \$100,000 worth of machines at one time; and that appropriation was granted at that time on my statement as a member of the Board that we did not like to ask the City for an amount beyond \$100,000 at that time."

217 Civic bodies made reports on voting machines. Some passed on them favorably and others were against them. Some of the newspapers of Chicago were "crabbing" the election officials now and then on the subject of voting machines. Witness does not think any civic bodies made recommendations one way or the other to the Election Commissioners. In their investigations they discovered some weaknesses and made reports to the Election Commissioners as to what they had discovered. Witness thinks he saw one such report from the Committee on Elections of the City Club.

218 The Election Commissioners had about twenty machines in use in the election at one time. This was either before or after the first demonstration. Machines exclusively were used in precincts where they were placed. Ballots were kept in the Election Commissioners office for use if needed, but they were not needed. Witness remembers that machines were placed in the 27th Ward, in

219 Ravenswood, in Hyde Park and in Englewood. Thinks there were more than one in these precincts, but does not remember there were. The reports were made to the Election Commissioners of votes that were never recorded on the machine. There were three machines in use, the United States Standard, the Dean, and Winslow, and complaints were made against all three. The reports were in writing and witness thinks they were in the Election Commissioners' office. There are about three such reports. The reports were in the safe in the Rand-McNally

Building and were indexed under the title "Machine Data," and kept in a separate compartment of the safe.

- 221 Witness would be willing, with the aid of an expert, to study the mechanism of the machine now present in the County Commissioners' room and "tell how to beat it."

Judge McEwen states that the Election Commission invites the witness to select his expert, study the machine for any reasonable length of time and get in front of the machine and beat it.

"Judge McEWEN. The Board invites you, and I, on behalf of Judge Owens, invite you to do that."

"The WITNESS. All right."

223

Cross-Examination by Mr. Mitchell.

While there was a Republican Board of Election Commissioners, to the witness' recollection there was only one paper that had an editorial commenting on the purchase of voting machines. The witness does not recollect that the Chicago Tribune was pertinacious in advocating the purchase of voting machines. The Chicago Daily News was never in favor of voting machines until a suitable and ample machine could be found.

- 224 The witness does not remember any persistent attempts for the purchase of machines, either on the part of Republican or Democratic newspapers. Does not know that any opposed it. Witness recalls editorial in Chicago Record-Herald ending, "Why any more wait?"

- 225 In the last examination it was shown the cut-off with reference to women's voting could be defeated. The experts said this, Professor Depuy particularly, and alluded to it in their reports. The witness does not know of any
226 report made by Professor Depuy on the Empire Machine
228 in 1910 in which he did not allude to defect in cut-out device.

- 229 The defect existed in the last Empire Machine presented. "I called the defect to the attention of the members of the Board of Election Commissioners, the County Judge, Harry Barr, and Mr. Lausterer, the superintendent. I cannot recall whether these objections were incorporated in the reports of the experts.

- 230 The witness did not visit the plants of any of the machines concerned while he was Election Commissioner to see whether or not they had adequate plants. The witness

thought that the three companies had adequate plants. The United States Standard, Dean, and International.

- 231 The witness thinks that this machine, or any machine could be tampered with by one man if he was custodian. The witness has set the Empire Voting Machine so that it would record falsely. Has also set the United States Standard Machine so it would record falsely. And voted
232 for more candidates than the law permitted. Did not put out that particular machine on election day, but showed the defect to the manufacturers who rectified it.

“Q. You never put out any machine that was capable of defective work? A. I never wanted to put out a machine that was not honestly and legally capable of letting the voter cast his ballot.

“Q. Then all the machines you put out were capable of that result? A. Yes, they were. We believe they were legally capable. We never put out over twenty, though.”

233 *Cross-Examination by Mr. McEwen.*

To the witness' recollection only one examination of machines was held in 1910. They came in under the last clause of the report,—People who had voting machines or devices,—and permitting them to bring them in at any time.

Re-direct Examination by Mr. Deneen.

While the process of elimination of voting machines was going on, and other machines were being invented, the witness heard of at least four.

- 234 Regarding the attitude of the newspapers during the witness' membership on the Republican Board, the witness had discussed voting machine defects with publishers and editors of newspapers. Did so under the direction of the County Judge and Election Commissioners who instructed witness to call on all Chicago papers. Witness called on all.

- 238 “I called on Mr. McCullough of the Record-Herald, and stated to him that the County Judge and Commissioners wished him, for his own information, to send some expert in whom he had implicit faith and confidence, to the Election Rooms and he would there be shown a voting machine and its defects would be shown to him. I

carried that same request to the Tribune and saw Mr. Medill McCormick and was referred by Mr. McCormick to Mr. Beck."

239 The Tribune and Record-Herald were Republican papers at that time.

The witness also called on the Inter Ocean, Examiner and American. Mr. Hewitt came over from the Record-Herald and Mr. O'Dell from the Tribune, Mr. Strauss from the Inter Ocean, and Mr. Dennis from the Daily News. All of these men saw the machine in the presence of the County Judge and the Election Board, and was shown its defects as determined and discovered by the demonstration and reports of the experts, and from that

240 time on the witness believes every newspaper was satisfied that the Board was endeavoring in every way to get a machine that was suitable for the needs of this city and this county. This was done after the "Why any more waiting, waiting, waiting?" editorial in the Record-Herald.

241 Witness was with Western Electric Company nearly 30 years. They now employ 20,000 men, women, boys and girls.

"Q. From your knowledge of tools, as revealed here by Judge McEwen, and the length of time to make them, do you think they could make tools sufficient to manufacture the machines in 25 days? A. The Western Electric Company?

"Q. No, any company. These voting machines? A. Any properly equipped company could made tools; of course, if there was a great many of them 25 days would not be enough."

"Q. Sufficient to make the Empire Voting Machine? A. I think putting men enough on them they could make tools enough in 25 days.

"Q. A large organization could? A. A large organization with men, space, and machinery."

242 As the witness remembers it, the New Jersey Voting Machine Law was repealed April 27, 1911. Witness thinks the machines had been used in over 100 New Jersey cities. Three days after the repealing of the New Jersey law the Election Board in the City of Chicago approved the specifications and set 25 days for filing bids.

The repeal of the New Jersey law was public information to those keeping in touch with voting machine situation.

243 After the experimental use of voting machines in the elections in Chicago they were rejected by the Board.

"Senator LANDEE. After the interview you had with the newspapers here, after that editorial had been in one of the papers, did the paper change toward the voting machines right after, or did they wait until the new Election Commissioners had been appointed?

244 "A. Well, there was not any unfavorable comment after that (after my visit to the newspapers and their experts coming in and looking it over, getting the real information).

"Q. Immediately afterwards and before the new Board was appointed, the change was made after the new Board, but after your interview? A. After my interview."

245 There was no editorial appeared manifesting any change in the attitude of the newspaper after witness' interview. They just stopped talking; did not say anything more about it.

246 "Mr. DENEEN. Q. Before I go into the matter, Judge McEwen, you asked a question and said, 'Had there been any adverse comment upon the contract up to the time the contract had been let?' Do you want that question to stand at that, or up to the time of negotiations?

"Mr. McEWEN. I will let it stand just as I asked it.

"Mr. DENEEN. Very well, I will refresh your recollection. I read from the Daily News editorial of June 24th, 1911, which said: 'A small rubber band, or a small spring, arranged on the face of the machine, can be placed upon the keys of three of the four machines submitted in such a manner that voting for one or more candidates can be interfered with unknown to the voter. Upon three of the machines, an independent voter who desires to write in the name of his candidate cannot change his mind after he writes the name of his candidate on the paper provided for the purpose. Only one of the machines has a device to print a record showing the condition of the voting machine before the election and the votes registered for various candidates after the election. A printed record, in the event of contest, would be unquestioned proof as to the facts.'

247 "Q. Do you remember any such statement? A. Yes, I do.

"Q. The contract was let the following month in July? —No, the contract was voted on June 30th, and then it

was executed later; it was about six days beforehand?
A. Yes.

“Q. Do you remember on June 30th in the morning, before the contract was made, that the Chicago Examiner announced 1,000 voting machines would be purchased at a price of approximately \$1,000,000? A. Yes.

“Q. Now, as to the question—on July 1st, from the News: ‘Men who have been busy in gambling and slot machine devices have shown a vital interest in the activity to install voting machines in this city, and a former race-track magnate of Chicago and two race-track men of California are among those interested in the Empire Company. While some friends of these men may claim that their interest is caused by their own investments, others declare that they are merely proxies for certain other Chicagoans reported to be interested in the voting devices.’

“Do you remember a charge of that kind being made in the newspapers? A. Yes, sir, I remember seeing it in the paper. Yes, sir.”

This appeared after the witness’ visit to the newspapers.

249 The Daily News had always been strong for voting machines. Witness does not know whether they got Winslow to go to Chicago with a view of promoting the voting machine matter. Mr. Winslow was informed, but not any more than any other representatives of machines. Witness does not know that Winslow went to Springfield during the last session of the Legislature or that somebody circulated literature at Springfield purporting to come from Kansas.

Witness does not know that the Record-Herald, Daily News, Journal and Tribune opposed the purchase of voting machines. Witness does not read every one of these papers.

VOLUME IV.

Afternoon Session, Wed., July 23, 1913.

252 HOWARD S. TAYLOR:

6356 Stewart avenue. A lawyer, and has official position of Election Commissioner of the City of Chicago and Cicero. Appointed Election Commissioner December 9, 1910, and has served continuously since.

252-3 Immediately prior to his becoming Election Commissioner, the witness was writing editorials for the Chicago Examiner. Has not engaged in that occupation since. Wrote editorials for Examiner for about two years. The Election Commissioners are C. H. Kellermann and Anthony Czarnecki. Czarnecki represents the Republicans. William H. Stuart was appointed Chief Clerk after witness assumed office. All have served continuously since. The witness thinks that about the middle of January, 1911, the Election Commission began talking about the voting machine matter seriously. Thinks the first official step was to urge the secretary to communicate with all voting machine manufacturers whose names could be obtained from the records in the office or otherwise, and invite them to a competitive examination.

254 The Election Commissioners had a good deal of talk in January. The recent case against the Election Commissioners brought to light by the grand jury in 1908, in which they recommended that voting machines should be put into every precinct in Chicago at the earliest possible moment. Also there was a good deal of talk about im-
255 pending frauds at the spring election. That also was talked over. The witness talked it over with Judge Owens as to what precaution should be taken, and it was agreed there should be a fraud bureau to look up all fraudulent attempts.

"Q. What was said about voting machines in January? A. I can't recall any precise meeting, but I think that it was generally understood between Mr. Kellermann and myself, and Judge Owens and Mr. Stuart, that we ought, if possible, to install voting machines. The first conversation occurred about the middle of January, 1911. It did not occur at a meeting of the Board, but was an informal talking and conferring."

Mr. Kellermann and the witness talked it over and Mr. Czarnecki perhaps heard some of the talk, though witness is not sure about that.

- 256 The witness cannot say whether the voting machine matter was taken up with Commissioner Czarnecki, either officially or casually. It is merely his impression that Commissioner Czarnecki must have heard the conversation. These conversations were not in official meetings, but in the office. The witness cannot say whether Commissioner Kellermann and the witness discussed the voting machine matter with Commissioner Czarnecki during the month of January. The witness thinks that the Board officially ordered the Clerk to write letters of invitation sometime in February; it might have been that March 4th was the first time that anything was done. The witness has a copy of the minutes as sent to Mr. Deneen by the secretary of the Board, which show that the first time the matter was discussed in an official meeting was March 4th, 1911.

The witness cannot be positive, but thinks that it directed the Clerk to write letters before that and that on March 4th he reported that he had.

- 259 Specifications to submit to voting machine companies were not prepared before the letters were sent. The witness thinks that probably the first motion regarding voting machines, during the term of the present Board, was March 4th, 1911. After looking at the minutes, the witness says that the motion of March 4th was intended to ascertain whether or not there is a practical and efficient voting machine. That was the first motion relating to voting machines and was made by the witness. Witness cannot say whether specifications were drawn before that time. Two or three sets were drawn and ratified from time to time. Witness does not know that the 1908 report of the grand jury was ever called to the attention of the Board. The Board had been talking about it a good many times, but not in the Board's sessions.
- 261 Does not know that the grand jury report was called to the attention of Commissioner Czarnecki before the contract was made. Prior to March 4, 1911, the witness had been one of the early voting machine men, made speeches and aided the enterprise all he could in 1903; might have been when the matter was submitted to the people, 1904.

The witness is not a machinist, but had a little knowledge of voting machine mechanism. While prosecuting

attorney in 1904 and 1905 the witness went to Milwaukee and talked with officials there about voting machines which they had installed.

262 The custodian, or someone, showed witness a voting machine in the Milwaukee City Hall. Witness took merely a superficial look and perhaps witness operated the lever. Does not remember about that. The machine the witness saw in Milwaukee was the United States Standard, the one that was purchased later by the Empire Voting Machine Company.

Witness cannot say that he had examined the minutes of the preceding Board relating to voting machines previous to March 4th; but sometime early in the spring the witness went over the report of old examinations and looked into the minute-book. Witness does not remember what information he got and cannot say whether it was before March 4th or not.

March 24th, 16 machines were sent out, 16 machines for experimental use. Witness thinks Commissioner Czarnecki made a motion that 20 machines be sent out.

Witness remembers a man named Farrell who represented the Triumph Voting Machine Company. Witness 264 does not recall that Farrell objected to notice sent out to the machine companies on the ground that the notice was too short. Farrell might have done so, but it would be better proven by the minutes.

Witness thinks he then made a motion to limit it to 16 machines. Remembers that when making the motion he stated the purpose of exhibiting and experimenting with machines was to agitate the matter in the public mind and call it to the attention of civic bodies.

265 About April 24th a final set of specifications was prepared and adopted by the Board. Witness cannot recall whether the Board had instructed Mr. Mitchell or Mr. Stuart to prepare specifications prior to April 4, 1911. The minutes do not show that the Board had ordered this done, but witness does not think that conclusive.

267 Witness thinks that at the time of the meeting on March 4th in which voting machines had been discussed, "we had a pretty fair notion, some of us, that we wanted to buy some machines and install them." It was the witness' view that Election Commissioners were entering a period of inquiry and examination with a view of purchasing voting machines. The witness had talked before

268 that with Judge Owens, with Mr. Kellermann and with Mr. Stuart, and he thinks with Mr. Czarnecki. The witness cannot be positive that he discussed or referred to the matter of voting machines in the presence of Commissioner Czarnecki at any time before April, 1911. Witness aided in the preparation of specifications only to the extent that items were discussed and amended several times back and forth by Kellermann, Stuart, Mitchell, and, he thinks, "although I am not certain," Mr. Czarnecki. Witness cannot say that the matter was discussed, either officially or informally, with Commissioner Czarnecki before April 24th, 1911.

269 Mr. Mitchell and Mr. Stuart prepared specifications, from old specifications, by adding and subtracting a little to meet the new situation. Witness cannot recall when Mr. Mitchell was directed to prepare specifications, but thinks that they fitted them up immediately after the April election.

The witness had not, prior to, or on April 24th, 1911, discussed purchasing voting machines with any member of the Finance Committee or the City Council.

271 On or before April 24th, 1911, and since the witness became Commissioner, he has talked at the Election Commissioners' office with some of the voting machine agents. About the middle of March, in the Rand McNally Building, three machines were installed that were afterwards in competition, the Empire, the Winslow, and the Triumph, and witness talked with a number of the agents of those machines. The machines used in the election of
272 April 4th were United States Standard. They were owned by the Empire Company, and witness' recollection is that the Empire Company exhibited these Standard machines rather than their own. Before April 24th witness thinks he had not examined an Empire machine, though not sure.

273 Witness thinks he had examined reports of the experts made to the old Board, either before or after April 24th. Thinks the reports rated the Winslow machine low and experts regarded it as a crude machine. On the Triumph machine the report was something more favorable; cannot recall the details. The reports regarded the Standard as the best machine. On one occasion Mr. Olson, one of the experts, in answer to the question whether the machines had been sufficiently developed so as to warrant

the Board in purchasing, he replied, "Yes, considered from a mechanical standpoint only."

274 After reading page 16 of the minutes, witness says it is probable Commissioner Czarnecki moved for delay to give the Commission time to examine and consider the specifications. After reading the minutes, witness says apparently he (witness) moved, on April 24th, that the question of advertising for bids be taken up without delay.

275 Witness says that from the minutes he must say that Clerk Stuart said the matter should not be permitted to drag along any longer. Witness explains in regard to minutes, and says: "The explanation is this, that the minutes were in the hands of the Secretary of the Board, Mr. Czarnecki, they were typewritten out and taken by him and put away, and I tried faithfully for about a year and a half to get hold of them and for one reason or another Mr. Kellermann tried and protested against it, the minutes ought to be brought out and read and adopted; we could not get the minutes out, however, and written into the budget until a little while before this committee was appointed. I made such a protest and Mr. Kellermann made such a protest about having a lot of loose sheets, that we at last got them out and got them written up. Now, I do not say whether they are correct or not, except on some of the big, major features that I have an independent recollection of."

276 Reading minutes handed him does not revive the witness' recollection sufficiently to state whether or not he made the motion to adopt without delay. The minutes were not approved by the Board at the time, and witness does not know that they ever have been since.

Memoranda for the minutes were sometimes handed the witness the same day as the meetings occurred, but not regularly; a great many times the witness did not see them. Could not recite any such occasion between

277 April 11th and July 22nd. Witness would not say they were not handed to him.

Examination of witness continued by Commissioner Czarnecki:—

278 The witness cannot remember Commissioner Czarnecki's insisting that the minutes should recite anything and everything that took place at the meetings of the Board, but remembers the controversy over that question. The witness was in favor of condensing the min-

utes and reading them before the next meeting and passing upon them while they were fresh in mind.

278-282 Questions are asked by Commissioner Czarnecki as to method of keeping the minutes. The substance of the examination may be summed up as follows:—

Commissioner Czarnecki was Secretary of the Board and contended that all matters occurring before the Board should be set forth in the minutes of the Board in detail. Doctor Taylor insisted that they should be condensed, and himself undertook to edit them. The minutes, as they appear in the record used in this investigation, are the edited minutes. Commissioner Czarnecki produced a large book in which were pasted shorthand transcripts and other matter purporting to be full record of what occurred at certain of the meetings of the Board of Election Commissioners.

282 The witness states that Mrs. Clinton, a stenographer in the Election Commissioners' office, according to the witness, worked night after night upon the minutes under the direction of Mr. Czarnecki.

Mrs. Clinton told him that she was required to make alterations in the minutes and did not think it was right.

283 "Commissioner CZARNECKI. Q. Very well, is this your handwriting, Doctor Taylor?

"A. Yes, sir, that is my handwriting.

"Q. That correction, 'January 17'?"

"Mr. DENEEN. 1911?"

"Commissioner CZARNECKI. Yes.

284 "The WITNESS. That was made, to the best of my recollection, recently,—comparatively recently,—for the purpose of editing this sheet, as it would appear in the book.

"Mr. DENEEN. Q. Pardon me, when was it made,—when you say 'compared'?"

"A. Well, we got the minutes out, at last, this spring, along in,—Oh, just a little time after the appointment."

"The CHAIRMAN. Q. Do you identify the book there as being the book containing the minutes of your Board meeting?"

"A. I think not, we never paid any attention to it."

* * *

"The WITNESS. I said that those minutes I edited up, all those things were done along probably April.

"Mr. DENEEN. April.

"A. But they were the minutes of 1911."

"Mr. DENEEN. You were careful to correct the English?"

"A. Yes, as well as I could.

"Q. Did you correct the facts, too? A. No, sir.

"Q. You let all the facts stand? A. There is not a thing in there, Governor, that I put my assent to that is not straight, except this. I did not know, and I do not know now, whether the minutes were correct or not. I have a very strong impression that they were not correct.

"The CHAIRMAN. You approved the minutes for the Board, did you not, Dr. Taylor?"

"A. I said to Mr. Kellermann, talking the matter over quietly,—he was very dissatisfied about it,—

"The CHAIRMAN. I asked if you approved the minutes for the Board, finally?"

"A. I think not.

"Q. These minutes contain an approval. A. The addition at the head of each meeting, to the minutes, read and approved, that was written in there '*pro forma*.'"

308 "Commissioner CZARNECKI. Q. At whose direction, Dr. Taylor?"

"A. Well, possibly by mine and Mr. Kellermann's. I think so,—in pursuance of the idea that these minutes are to be brought out and presented to the Board and read aloud and approved by the Board.

"Senator BARR. Why didn't you say that every meeting?"

"A. I could not get ahold of them.

"Q. Who had ahold of them? A. Mr. Czarnecki.

"Q. Was he the secretary of the Board? A. He was secretary of the Board.

"Senator LANDEE. Q. Didn't your minutes—weren't your minutes read at every single meeting, and approved?"

"A. No, sir.

"Q. No minutes were read and approved at the following meeting? A. No, sir.

"Representative GARESCHÉ. Q. Then, as a commission, you had not approved the minutes at all?"

"A. I don't know that we have that formal approval. My understanding, and my desire, was, that we should have at each meeting the minutes of the previous meet-

ing brought out and read and approved, and then signed by the Chairman and Secretary, but, as I say to you, 289 there was a long period there, a very long period, when we couldn't get hold of the minutes, simply couldn't do it. We had controversies sometimes heated.

290 "Commissioner CZARNECKI. Q. Didn't you do the editing, Doctor, of what finally went in?

"A. No, sir; my proposition, Mr. Czarnecki, was that the minutes should be edited down properly so as to cut out your stump speeches against the voting machines."

291 Witness does not believe that the minutes of April 24th, showing that Mr. Czarnecki asked for a delay of one day to examine the specifications, are correct. Cannot say that Commissioner Czarnecki made a stump speech, or any kind of speech at the meeting of April 24th.

292 The witness identifies, in initial, notes of the Secretary of the Board as a direction to Miss Johnson, "Condense this, Howard S. Taylor," under date of March 2nd, 1911. (The book is marked "Exhibit A-2.")

"The CHAIRMAN. I would like to have it entered as an exhibit.

296 "Commissioner CZARNECKI. Q. Here is some condensing; did you direct this condensing, Dr. Taylor, on March 4th?

"A. Yes, apparently. That is my signature up there, or my direction.

"Commissioner CZARNECKI. Was that condensed for the purpose of eliminating the noting of the payments of the regular men and the noting of the exception marked by myself with reference to the payment of extra time to regular men for work, Messrs. Shapp and Stevens, and other reasons of that kind? Did I not insist that all of them should go always, whether it was in dialogue form or not? That is where you and I differed, was it not?

"A. Apparently there was a striking out of a discussion in regard to whether a man who works overtime should be paid for it or not. Czarnecki, as the minutes show, was opposed to paying the men for overtime, and I do not recall what was my view at the time, but I thought that it was—"

297 The witness O. K.'d the minutes of March 4th, 1911.

298 Commissioner Czarnecki asked the Committee to send

the Sargeant-at-Arms to get Miss Elizabeth Johnson, an employe of the Election Commissioner's office.

299 "Mr. DENEEN. Q. Do the minutes accurately state the facts?

"A. No."

300 "Mr. DENEEN. Q. They were approved, were they not?

"A. I cannot say whether they were or not.

"Q. You said awhile ago they were. A. There were times when we approved them; I was going to say that Mr. Kellermann and myself, talking about the minutes long afterwards, agreed that probably the substantial facts were in there, what we called the biblical meaning, but that it would be better to let it alone and not make any fuss about it."

304 The witness O. K.'d the facts of the minutes of March 4th.

307 "Commissioner CZARNECKI. Q. Did you O. K. those minutes, Doctor?

"Senator LANDEE. Q. At the time you O. K.'d those minutes, didn't you take it for granted that they were right, or else you wouldn't have O. K.'d them, wouldn't you?

A. Well, I have been explaining to you, I regarded them as the substantial things, on the whole, correct; but some particulars pushed by Mr. Governor Deneen's question as to correct or not correct, I had to give the reason."

"Senator LANDEE. Has Mr. Czarnecki been your secretary ever since the Board was organized?

"A. Yes, sir.

"Q. That is something over two years, about three years? A. Yes, sir.

"Q. And the majority of the Board kept him, a man, as secretary, that would not do the biddings of the Board and report to them? A. Well, he would not refuse absolutely to—"

308 He was the minority man. There might have been a way of dismissing him.

"Mr. CZARNECKI. (Reading the first page of the minutes of March 24, 1911): O. K. with corrections, Howard S. Taylor."

This is the witness' notation.

311 Minutes of the meeting of March 25th called to the witness' attention.

313 "I think I marked those. Those condensations are mine."

The meeting of March 27, 1911. The witness identifies the direction, "After hearing much evidence," and so forth, as in his handwriting.

Wherever there is any editing done, or direction "O. K. with corrections indicated," the direction was always given to the stenographer.

314 The witness does not remember that Commissioner Czarnecki, at the meeting of March 31st, 1911, moved that each machine used for experimental purposes should have a certificate from the State Commission before it was used.

Witness was at the meeting of the Board when the specifications were submitted and discussed about April 24th.

315 The witness has not any independent recollection whether Commissioner Czarnecki made a motion for delay to examine and consider specifications, and after hearing the minutes cannot say whether they are correct or not. Will not say that it did not occur. Witness thinks that a printed copy of the specifications dated April 27th, presented to him is a correct copy.

Witness is not sure whether the specifications have been discussed with Commissioner Czarnecki prior to their presentation to the Board, April 24th. Thinks that he was present on one or two occasions, but is not sure. Does not know that it was at an official meeting. It was in the Board rooms.

316 Mr. Czarnecki signed specifications, it is said, under protest, but—

"The WITNESS. The protest is not here.

"Mr. DENEEN. That appears later in the minutes.

The protest was not entered into the minutes until long after the minutes were adopted.

317 The specifications called for 1,400 machines. The witness knew, in a general way, the price other cities were paying for machines. Does not know he knew the price likely to be charged for these machines. Witness did not confer with the Finance Committee of the City Council about the indebtedness to be incurred. Does not think there was any conference had with the Finance Committee, but not sure about it.

318 The witness did not discuss the matter of purchasing machines with any member of the Public Efficiency Bureau.

The contract did not conform to the requirements of the specifications as to the kind and number of machines to be delivered.

The Commissioners did not discuss with any of the machine companies before the specifications were written them, their ability to manufacture 500 machines in 9 months. Certified checks for 5 per cent. of the bid were asked for in the specifications. The per cent. was fixed according to a sort of prevailing standard. The City of Chicago requires from 2 to 5 per cent. The County Board sometimes as high as 10 per cent.

319 The date of opening bids was fixed for May 22nd following; the reason for fixing the time limit at 25 days, witness thinks, was that all machines likely to compete were on the ground. Invitations were sent to other machines, but in the previous examination by experts in 1907 they had these machines, three of which belonged to the Empire Company. The witness thinks it was commonly known that there were about four machines in the country all told, that really were capable of competing.
320
321 There were only two voting machines that had any plant aside from the Empire.

“Q. So you expected that at that time, that those would be the only two that would make any bids when you fixed the time at 25 days? A. No.

“Q. What did you expect? A. There was a possibility, for instance, that the Winslow, or International might very rapidly develop a great capacity”—

322 In the experimental use of voting machines, April 4th, there was no Empire machine used. The ones used were the U. S. Standard. The U. S. Standard is almost part for part the Empire.

323 A prospective bidder would have to understand the Illinois Election Laws, the Illinois Primary Law, the Illinois Ballot Law, the cumulative voting system, with the grouping for judges of the Circuit Court and of the Municipal Court, the Sanitary District and the County
324 Commissioners, and with the system regarding women's voting in this state. Also with regard to public questions. The company would have to deposit a certified check for \$50,000 and arrange for \$250,000 bonds.

“A. Yes, that is, he would not have to do all of this.

"Q. If he met your specifications he would have to do them, wouldn't he? A. Yes, he would have to do it within the time.

"Q. Twenty-five days? A. Oh, no, no. He could make his bid the date of the contract; the date of the first installment might be far off in the future. In the meantime, I think the salesman would be under those circumstances, perfectly safe to jump on the cars and come to Chicago with his machine, learn all about these particulars as to the election laws in 24 hours.

"Q. And then take his machine back and fix it to comply with the laws? A. Oh, no; they would know and he would know.

"Q. Well? A. They had been here."

325 "The WITNESS. All of these machines that I spoke of before,—and for the matter of that, almost all possible machines, the American, the Calkins, all of them that had men here under the specifications, almost exactly parallel to the rules issued by the old Board,—knew all the particulars about the Illinois law and whether they could approach the specifications or not."

The Election Commissioner could not tell in advance who would bid, but owing to the process of elimination, would be reasonably sure of just about what the machine was.

326 The witness' attention is called to Section 5 of the Ballot Voting Machine Law, providing that bidders shall be furnished with a certificate of indebtedness or bond in payment for machines. The witness thinks in view of this that 12 hours would be sufficient time for bidders to submit these propositions to the bond companies and lawyers and get their conclusions.

Bidders had been requested in the specifications to outline a scheme of financing the voting machine purchase project. Witness says this was put in the specifications in view of the fact a great many states that had bought machines bought them on time and paid for them out of the savings, and it is a question whether the voting machine companies would grant unlimited time for payment. The provision in the specifications regarding financing was simply equivalent to asking the companies what will be done on the money end.

327
328 The witness is asked whether companies without plants would have to arrange for plants and equipment and for the manufacturing of 500 machines to be delivered in

nine months and answers: "Possibly, I don't know."

It is customary for such companies to get a bank to arrange to finance them so that they may carry out the contract. They would also have to arrange for creating an organization of careful men to manufacture the machine.

329 "Q. You limited them to 25 days? A. They could meet the invitation to come here and present their machines and wait for a contract. The contract might be adopted a month after, or six months after, and it might provide for whatever circumstances were required.

"Q. Did your Board or you anticipate that the men would bid, submit bids, for a certain price for a machine and then take his time afterwards to discover whether
330 he had made a mistake or not, write out a check for \$56,000 or something like that? A. Well, that is a conjecture I don't know anything about.

331 This matter was called to the witness' attention by Mr. Czarnecki, who moved that the time be fixed at 90 instead of 25 days.

"Mr. DENEEN. Mr. Czarnecki's motion received no second, that was for ninety days, Mr. Czarnecki, Commissioner Czarnecki, moved the adoption of the provision to fix time for filing the bids at three months instead of 25 days; declaring that 25 days was not sufficient, that it might create criticism, that the Board had not given sufficient publicity to the matter and conjecture which might arise from such criticism. Commissioner Taylor said that 25 days was sufficient time and that the question of praise or criticism is not involved in seeking to give Chicago a reform in election conditions. Commissioner Kellermann said that it was the opinion of the County Judge that 25 days would be sufficient because of the former publicity, and agitation of the problem."

Commissioner Kellermann had stated that it was the opinion of County Judge that 25 days would be sufficient time because of the former publicity and agitation of the problem. The witness knew that the companies had failed to meet the requirements and specifications made by the old Board.

The specifications were dated April 27th and were issued the next day. 25 days' time was given and Commissioner Czarnecki moved for three months' time. There was no second to his motion.

The witness does not recall that Commissioner Czar-

necki moved for time to have an opportunity to examine the proof sheets of the specifications, and asked for a delay of one day for that purpose.

Chief Clerk Stuart then asked for authority to proceed with the advertisements for sealed bids to furnish voting machines, such advertisements to continue in the Chicago daily newspapers beginning Friday, April 28th, 1911.

336 "Q. (page 38): Let me see if I am mistaken about that: 'Commissioner Czarnecki asked for time to see the printed proofs of the specifications and asked for delaying the advertisements.

"'Commissioner Taylor moved that the authority asked by the Chief Clerk be granted and that the Board direct the advertising for proposals at once and without delay.'"

337 "Q. Without waiting for the printed proof sheets? A. Yes."

"Middlebury, Ind., May 11, 1911.

*Mr. Anthony Czarnecki,
Chicago, Ill.*

MY DEAR SIR:—

"We received registered specifications for bids on 1,200 voting machines to be furnished Chicago, 25 days limit—Whew! These are not window frames; The requirements are too big and fast for a small concern like ourselves, *altho we have the goods.*

"It reads as though it was made to fit one certain corporation U. S. S. So do the V. Machine Laws of the various States. It would be foolish for the City of Chicago to load up with V. Machines at the present time. Within a few years they will be able to buy machines, that are as far ahead of the big, heavy, cumbersome machines of to-day as they "are" ahead of the paper ballot. There are several machines to be heard from soon. I notice by the paper the several stands you have taken in this matter and wish to say that you are on the right track. Standard tactics seem to be the rage all over the country. Whether it is the Standard Voting Machine. If I can find out when the machines are open to inspection I will come to Chicago.

"Respectfully,

"ARTHUR L. GRIFFIN,
"HOOSIER V. M. Co."

338 "Q. Did you receive this letter? A. I recall that was read out.

"Q. And you made a motion to file it, did you not?

A. I think so; yes, sir.

"Q. You gave it no consideration at all, did you? A. No.

"Q. None? A. No."

*"The Board of Election Commissioners
of the City of Chicago.*

GENTLEMEN:

"The American Voting Machine Company, Inc., of Boston, Mass., having recently started their factory at Boston, for the manufacture of voting machines, are desirous to compete for the contract of furnishing your City with the required 1200 voting machines.

"In view of the fact that your proposal did not reach our company until the 10th inst., and owing to the limited time of only 12 days, in which to submit a sample which meets all the requirements of your City, and the approval of the Illinois Board of Voting Machine Examiners, this Company respectfully petitions your Honorable Board to extend the time limit for submitting our machine together with our bid for your consideration, to June 30th, 1911.

"The American Voting Machine Company contains many desirable features not found in any other machines and does not call on the voter for any ingenuity or judgment beyond that involved in the simple casting of his ballot.

"The American Voting Machine has been examined and approved by the Massachusetts Board of Voting Machine Examiners and can be constructed to meet all requirements in the State of Illinois if the opportunity is granted us for the time extension as aforesaid.

"Yours very respectfully,

"AMERICAN VOTING MACHINE COMPANY.

"Per FRED'K E. NICKELS,
Treas."

340 "Q. You made a motion to put that letter on file, did you? A. Yes.

"Q. It received no further consideration? A. Well, I don't— Yes, there was. I think the letters were written to the American Voting Machine Company by the Clerk explaining that under the active suggestion of Judge Owens, the period for practical bidding would be extended

46 *Communication of Chicago Bureau of Public Efficiency.*

up to the time when the experts finished their examination.

"Q. Let me refresh your recollection on it. The time was extended from May 22d to May 26th first? A. Yes, sir.

"Q. Then there was some more protests, which we will have to read here, filed, and then it was extended four more days to May 30th? A. To June 1st.

"Q. To June 1st? A. Yes, sir.

"Q. And then a statement was made later that if machine came in between that time and the opening of the bids and the awarding of the contract it would be considered. That is what it was? A. Yes, sir."

341 Mr. Winslow filed a protest; first appeared before the Election Commissioners and protested verbally and said he would later submit a protest in writing.

May 20th, 1911.

*To the Board of Election Commissioners,
of the City of Chicago.*

GENTLEMEN :

By direction of the Board of Trustees of the Chicago Bureau of Public Efficiency, I am transmitting herewith a report on the proposed purchase of voting machines by the Board of Election Commissioners of the City of Chicago.

As stated in the report itself, the inquiry on which the report is based was undertaken when it was learned through public advertisement that bids were to be opened on May 22 for 1200 voting machines. This work is in line with the general purpose of the Bureau of Public Efficiency to make studies of the expenditures of the local governing bodies and to furnish the public with exact information and constructive suggestion relative thereto.

The Judge of the County Court and the members of the Board of Election Commissioners and its officers and employes have been most cordial in affording to representatives of this Bureau opportunity to secure information on the subject under consideration. This report is offered not in a spirit of hostile criticism, but in the hope that it may be of suggestive value to the Board of Election and of benefit to the taxpaying public.

Respectfully submitted,

CHICAGO BUREAU OF PUBLIC EFFICIENCY.

HERBERT R. SANDS,
Director.

Report on the Proposed Purchase of Voting Machines by the Board of Election Commissioners of the City of Chicago:

On April 27th, 1911, the Board of Election Commissioners of the City of Chicago advertised for bids for voting machines, the bids to be opened May 22. The advertisement calls for bids on 1200 machines with delivery as follows:

Not to exceed 200 within four months of the date of signing the contract; not to exceed 300 more within nine months; the balance and final installment within twenty-one months from the date of signing the contract. The Board of Election Commissioners reserves the right to take a less number of machines at the same rate and to require the delivery of additional machines at a price no higher than that named in the original contract.

The amount of money involved in this transaction, if the number of voting machines named in the specifications should be purchased, presumably would be in excess of \$1,000,000. No well-defined plan for financing the proposition seems to have been formulated, but inquiry on the part of representatives of the Chicago Bureau of Public Efficiency disclosed the fact that neither the Comptroller of the City nor the finance committee of the City Council had been consulted upon the matter of providing funds for the purchase of voting machines. Bidders themselves are asked to name the terms and conditions of payment, particularized as to the method, time, amount, interest, etc.

Further inquiry of election officials and others by members of the staff of this bureau disclosed that the successful bidder would be expected to take in payment for voting machines purchased, evidences of indebtedness to be issued by the Board of Election Commissioners, with the approval of the County Judge, to be payable by the City of Chicago, but failed to develop what the character of such evidences of indebtedness would be, the form thereof, or what provisions were to be made for liquidating the same as they matured.

In view of this somewhat anomalous situation, the Bureau of Public Efficiency has made as full an inquiry into the subject as the limited time prior to the opening of bids would permit, the results and conclusions of that inquiry are set forth herein.

The General Assembly of Illinois in 1903 passed a law

authorizing the use of voting machines in this State. By the terms of the act, election officials are authorized to submit to the voters of specified civil divisions of the State the proposition to adopt a voting machine or voting machines. When the people vote affirmatively upon such propositions the proper election officials may lease or purchase voting machines.

"The requirements which must be met by the voting machine adopted are laid down with considerable particularity in the act and provision is made for a board of voting machine commissioners, consisting of the Secretary of the State and of two other persons, who shall be mechanical experts, to be appointed by the Governor. No machine may be purchased without the certification of this state board of voting machine commissioners that it meets the requirements of the statute.

"On November 4th, 1904, the general proposition to adopt voting machines was submitted to the electors of Chicago and was approved by a vote of 229,557 for, 27,081 against. Prior to that time some experimental use had been made of machines placed on trial in a few selected precincts and immediately thereafter the Board of Election Commissioners took steps looking to the purchase of voting machines. Bids were asked and opened on three different occasions.

"November 21, 1904, the Board called for bids on such number of machines as might be necessary to equip the polling places under its supervision. The following July all the bids submitted under this call were withdrawn and the manufacturers agreed to submit machines for experimental use. At the fall election of 1905 and again in the April 1907 election, machines were so used.

"The City Council having appropriated \$100,000 in the 1907 Budget, advertised for bids for furnishing machines to that amount, the Board to have the right to make purchase for any part thereof. The bids received in response to this advertisement were opened October 31, 1907, and purchase thereunder deferred, pending the examinations of the machines by the Board's experts. These tests were commenced immediately and continued until March 23, 1908, when the Board decided not to purchase at that time. (Pending this decision the City Council again in the 1908 Budget appropriated \$100,000 for the purchase of machines.) Serious objection to the mechanical

construction of the machines was assigned as the reason for rejecting the bids.

"January 15, 1909, the Board again advertised for bids to be opened September 15th of that year. It was proposed to purchase machines to such an amount, not to exceed \$100,000, as the Board might determine. In response to this call four machines were offered in competition, the names of the machines and the prices bid being as follows:

"Empire, \$925, with primary attachment, \$50 additional.

"Willix, \$1050.

"Triumph, \$900, with instruction model, \$925.

"Winslow, \$900.

"After these machines had been tested by experts the Board rejected all the bids and in so doing rendered a decision which was in part as follows:

"As in the previous investigation, the machines were thoroughly inspected and tested by three mechanical experts at the instance of the Board. Their detailed reports show that while substantial improvements have been made within the past year, yet there are still remaining such defects in the mechanical arrangements of all the machines submitted as to preclude their practical use in this city.

"This Board is of the opinion that among the many necessary essentials required by the specifications none is of greater importance than that which requires a machine to record the vote in strict compliance with the law, and absolutely prevent a person voting for more candidates than there are officers to be elected.

"A machine which can be so manipulated as to permit a voter to vote for more candidates than the law permits is fatally defective and its use would only be productive of protest and costly litigation.

"Each machine is found to be seriously defective and their purchase at this time impracticable; therefore, all bids will be rejected.

"The defect in each machine will be shown to the representative of that machine.

"This Board in response to an overwhelming vote on the proposition has faithfully tried to find a satisfactory voting machine. Our efforts so far have been in vain. We do not know when we will advertise again for bids,

if at all, but we desire to purchase voting machines as soon as one that is satisfactory is presented.

"Therefore, we desire to announce that if any time after the first day of December, 1909, any one believes that he or they have a voting machine that will answer our purposes, we invite you to bring it to the Board, and the same will be inspected.

"It seems to us that this will be a proper time again to give all the suggestions we are able to in reference to the kind of a machine that the Board wants to buy.

"First: The machine must allow voting in accordance with the laws of the State of Illinois.

"Second: The machine must prevent any voting not in accordance with the laws of the State of Illinois.

"Third: It must be accurate, positive and incapable of fraudulent manipulation.

"Fourth: We want as small a machine as is practicable.

"Fifth: We want as light a machine as practicable.

"Sixth: And, taking all the foregoing into consideration, we want as cheap a machine as possible.

"Seventh: When such a machine is presented to us a purchase will be made."

"In response to the foregoing invitation, during the spring and summer of 1910 three machines were submitted and were examined by mechanical experts employed by the Board. None of these machines received the unqualified endorsement of the experts.

"Although many improvements had been effected in the interim, it was the opinion of these men that it was not then advisable to purchase a large number of machines and that great improvements were to be looked for in the future. The machines on which the mechanical detail had been more satisfactorily worked out were said to be large, heavy, difficult to handle and store and not easily set up and adjusted—in this connection affording opportunities for careless or dishonest officials to nullify the operation of the machine.

"Early in the present year the new Board of Election Commissioners that came into office last December took up for consideration the subject of the purchase of voting machines. On April 27th, as stated at the outset of this report, the Board decided to advertise for bids for 1,200 voting machines, the bids to be opened on May 22nd. Prior

specifications had limited the bids for machines to the number that could be secured for \$100,000.

"There are numerous objections to the purchase on one order of so large a number of voting machines as 1,200. According to the experts who have made examinations heretofore for the Board of Election Commissioners, the voting machine is still in somewhat of an experimental state and substantial improvements may be looked for in the future.

"The Chicago situation presents unusual obstacles to the successful use of voting machines. Among these are the long ballot made necessary by the large number of offices to be filled at some elections; the group voting for certain offices, such as judges and county commissioners; and the system of cumulative voting for members of the lower House of the General Assembly, which is peculiar to Illinois. The fact that women may vote for University Trustees but not for other officers requires a restrictive device that introduces additional complications. The long ballot necessitates the use, in Chicago, of a larger and heavier machine than is required in other cities that have adopted voting machines. The size and weight of the machine causes it to present problems of transportation, of storing and of setting up in the voting booth. There are special complexities due to the use of the voting machine at a primary election at which nominations are to be made for a large number of offices.

"Aside from the mechanical operation of the machine itself there are other elements of uncertainty connected with the use of voting machines than for experimentation and caution. It cannot be told until the actual trial is made how rapidly the voting can be done by machine, even assuming the mechanism to operate perfectly so far as all except the human element is concerned. This Bureau learns that in Minneapolis, where voting machines are in use, the voting has been so much slower than anticipated that it has been found necessary to install two machines to a precinct of 600 voters, instead of one. The Illinois law contemplated a single machine to a precinct of 600 voters. Then there are problems of transportation and storage and the proper setting of the machines in the booths. Three of those machines will make a truck-load and it will require at least three men to handle one. Skilled persons will be required to set them up when

taken from the storage room to the voting booth. It would seem that the Board of Election Commissioners ought to acquire experience in handling 50 or 100 machines before undertaking the burden of managing 1,200. This experience, moreover, should be in connection with the most trying elections such as the primary of April, 1912, and the election of the following November, when the long ballot must be voted.

"The voting machine law contemplates that following the adoption of machines the number of voters to a precinct will be doubled and the number of precincts thus reduced by half. The statute directs the rearrangement of precincts so that each precinct shall contain approximately 600 voters. On the basis of the present registration, this would give only 705 precincts. As there is supposed to be but one machine to a precinct with possibly an extra machine to a ward for emergency purposes, it is hard to see why more than 750 machines at the outside should be needed if the requirements of the statute are to be followed. One of the chief arguments in favor of voting machines is that they will bring about a substantial decrease in the cost of holding elections. Unless this contemplated reduction in the number of precincts is made, the desired saving will not be effected.

"The financial aspect of this affair also calls for serious consideration. The Board of Election Commissioners, with respect to finances, occupies a somewhat anomalous position. Under the law some of its expenses must be paid by the County of Cook, others by the City of Chicago. The Board claims, and probably rightly, so far as ordinary expenses are concerned, that it has the power to incur liabilities, for the payment of which provision must be made by the City or County, as the case may be.

"The Board appears to assume, and perhaps rightly, that this power to incur indebtedness in the name of the City, without the consent of its officers, is broad enough to include the purchase of voting machines to the amount of \$1,000,000 or more.

"The manner in which this obligation is to be provided for is not clear. The financial officers of the City have been in no way consulted in the matter, and it evidently is the intention of the Election Commissioners to issue in payment evidences of indebtedness in some form which shall be payable by the City. Whatever power there is

to do so (except as to warrants issued by the County Judge under the City Election Law) is to be found in Section 5 of the Voting Machine Law, which is as follows:

“ ‘The Local authorities, on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment therefor in such manner as may be deemed for the best interest of the City, Village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such times or time as the authorities may determine, but shall not be issued or sold at less than par.’ ”

“So far as investigators for this Bureau have been able to learn there are in the records of the office of the Election Commissioners no written legal opinions covering this point, nor has it been passed upon by the courts.

“For the purpose of this discussion, however, the legal power of the Board of Election Commissioners to issue without conference with the City authorities evidences of indebtedness which the City must pay, is a matter of less moment than the wisdom of the course. With reference to ordinary expenditures of the Board, while holding that it is not bound in law to request appropriations from the City Council, does go through the form of stating its wants to that body and of having appropriations made for it, as is done for other departments of the City governments. This is the course which the Board ought to pursue. Any other procedure would tend to demoralize the finances of the City. The power conferred by law upon the Election Commissioners to compel the City to pay its expenses was not intended for arbitrary or whimsical use, but only as a safeguard to prevent a contumacious city government from interfering with the election processes by wantonly refusing to make appropriations for the necessary expenses thereof.

“If this is the correct view with respect to ordinary expenditures involving comparatively small amounts, the same reasoning, of course, would apply with still greater force to the proposition to incur obligations of large amounts for extraordinary purposes, such as the purchase of voting machines. Public opinion should demand

that the Board of Election Commissioners confer with the financial officers of the City prior to the incurring of obligations of \$1,000,000 or even for \$100,000, the amount which the prior Board planned to spend for voting machines. The prior Board did, as a matter of fact, twice secure Council appropriations for \$100,000 for the purchase of voting machines, in advance of the opening of bids, which appropriations were not drawn upon because the machines were not actually purchased. Action by the City Council in advance, whether necessary in law or not, is essential from the viewpoint of public economy. Evidences of indebtedness issued by the Board of Election Commissioners, without previous council approval, would occupy such a novel status that they would of necessity have to carry a higher rate of interest to enable them to sell at par. The City can borrow for about four per cent. Obligations of the Board of Election Commissioners presumably would carry a rate at least one per cent. higher, and one per cent. on \$1,000,000 amounts to \$10,000 a year, a sum worth saving. Not only should the financial officers of the City be consulted in advance of the issuances of such evidences of indebtedness, but they ought to be consulted in advance of the advertisement for bids. For certainty as to the plans for payment might be a factor with bidders in fixing the prices quoted; the more definite and clear the arrangement for prompt payment, the lower the price.

“In reply to what has been stated herein it may be said that the Board of Election Commissioners, while it has called for bids on 1200 machines, might not decide to purchase that number. It has the right under the specifications to take a smaller number than 1,200, or to reject all the bids. The requirement that every bidder must submit with his bid a certified check for 5 per cent. of the amount of the bid in all probability means a check for approximately \$50,000. This sum might be so large as to deter some bidders. If it be not the plan to purchase 1,200 machines, the amount of the deposit should be less. The requirement as to the delivery of the machines, in case an order for 1,200 is placed, would also seem to be so severe that strict compliance with the specifications in this respect would be out of the question for most bidders, if not all.

“The main conclusions reached as the result of this inquiry may be summarized as follows:

"1st. The number of voting machines to be purchased in the near future should be limited to one hundred at the most; and the purchase of a greater number of machines should be postponed until after trial at the primaries of April, 1912, and at the election of November, 1912, of such limited number of machines.

"2nd. The Board of Election Commissioners should seek to secure the co-operation of the financial authorities of the City in advance of action looking to the purchase of voting machines, whatever the amount involved.

"In offering these suggestions, the Chicago Bureau of Public Efficiency wishes to be understood as in no wise hostile to the adoption of voting machines. It merely urges the policy of experimentation and caution which it believes is demanded by ordinary business prudence, in view of the difficulties and uncertainties of the situation, which are greater for Chicago than for any other city in the land.

"END."

VOLUME V.

Morning Session.

Thursday, July 24, 1913.

363 HOWARD S. TAYLOR:

"Q. Doctor, have you refreshed your recollection about the approval of those minutes over night? A. Oh, why, no, sir; I cannot refresh it.

"Q. Will you say that the minutes of April 24th are accurate or not, the one we discussed last night? I will change the form of that question—I say, do you claim they are inaccurate? A. No, sir; I do not claim that about any of the minutes.

"Q. Yes. A. I simply say that, in the main, taking the minutes as they were written off of the books for the Commission, I think in the principal parts they were accurate, there are some little matters that I don't know about. I won't say that they were not."

364 The CHAIRMAN. Doctor, when you say that those matters that you are not so certain about, would you say they would be vital in any way?

"A. No; I could hardly determine that; they might prove to be vital, but I think that they were inferior and quite subordinate to the main topics. I was asked by the Governor to say whether certain things were true, and I replied that I could not say so, but I think in the main"—

Witness thinks that the communication from the Bureau of Public Efficiency was read over at the meeting, or shortly afterwards. Cannot tell whether it was read at the meeting. The witness made a motion to place it on file.

"Q. Without reading it? A. I think that we knew the contents of it, probably it was read. I think so; I am not sure."

365 "Q. Let me read from page 71. (Reading): 'Commissioner Taylor: I move that the protest of Mr. Winslow and the communication from the Chicago Bureau of Public Efficiency be received and placed on file for further consideration and the secretary be directed to notify those parties to that effect.' Does that refresh your recollection? A. I think that was my motion.

"Q. Now, you think that was not read, don't you? A. I cannot say.

"Q. Was it given any consideration thereafter by the Board? A. I do not think the Board ever took the matter up as a Board.

"Q. Officially? A. Officially.

"Q. Did you give it consideration? A. Yes, I think so.

"Q. The law required the Election Commissioners to redistrict the city into election precincts of 600 voters each."

366 The law permitted the voter to take one minute only for voting.

The witness recalls that the communication of the Bureau of Public Efficiency made a statement that in Minnesota it was found impossible for voters to vote in one minute, and it was necessary to place additional machines in the voting precincts.

Q. Did the Board make any inquiry as to the fact relating to that statement? A. I think we had information then; I know we have now.

"Q. I say, did the Board make any such inquiry? A. As a Board, by resolution?

"Q. Officially, yes. ? A. I think not.

“Q. You think not? A. No.

“Q. Was that matter discussed in official meeting by the Board? A. I do not know that it was. I couldn’t say as to that.”

367 Witness thinks that the Election Commissioners had information about the Minneapolis situation on file from previous inquiries and that further information was secured more recently.

Witness does not know that they had any information in relation to voting in one minute. The Election Commission is still urging the City Council to pay for the 300 machines delivered.

The witness does not think that the Election Commission has information to the effect that the State of Minnesota passed a law requiring printed ballots to be furnished to precincts where they had voting machines. The witness will not say that such is not the fact, but the witness’ understanding is that Minnesota passed a law abolishing the party circle which made it difficult to vote so that they were compelled to use two machines to a precinct instead of one.

368 “Q. Well, in the event you would be required in Chicago, with its larger and more complex ballot, to use two machines to a precinct, that would require another million dollars, wouldn’t it? A. I presume it would, yes.

“Q. Now, if the women have a right to vote it would require about two million more, about four million, wouldn’t it? A. I think not that number—

“Q. I say, based on the experience of Minneapolis? A. The women don’t vote up there.

“Q. But, I say, based upon the experience of the voters in Minneapolis. A. If the women registered and were as numerous as the men, and the party circle were abolished in this state, so that they would have to vote each individual key, then, probably, we would have to have four million dollars.

“Q. Four million dollars? A. Four million dollars.”

The witness does not concede that if the vote is limited to the men and we have the same experience in Chicago that they had in Minneapolis, it would require two million dollars. Thinks that the 1,000 machines purchased are enough to poll the vote in the City of Chicago at any election.

370 The witness has read the decision of the Illinois Supreme Court, dated February 6, 1913, *Hill vs. Election*

Commissioners, does not think that the court holds that the voting machine does not comply with the law in respect to voting in one minute. Does not so understand the decision.

“Q. What is your understanding of the decision? A. My understanding is that in the original oral opinion, a certified copy of which is in the office, the court said, ‘We do not condemn voting machines, or this machine, but at the election in November we find that the average voter will not be able to vote so large a ballot with so many propositions in the space of one minute.’ There-
371 upon the court issued a writ of mandamus requiring us to put ballots in the polling places in addition to the machines in’—

“Q. Go ahead. A. In the modified decision, the modified written decision, the court said that they found that the machine did not comply with the law for the election of November 5, 1912.

“Q. A legal election? A. Yes, that election.

“Q. That is the real decision then, wasn’t it? A. Yes, sir.

“Q. Instead of the oral one.

“In view of the decision do you still say that the voters here in Chicago can vote in one minute on that machine?

“A. The voters in Chicago, if they would take the pains to examine the specimen ballot in the booth, that the average voter can vote in a minute and split, and I think that the fifty or sixty per cent. of the men who ballot, according to my information, and my notion, vote a straight ticket, could vote in five or six seconds.”

372 The witness does not think a voter at the presidential election of 1912 could go into a voting machine and do the work that he ought to do before he enters; an elector can be informed both as to the position of the candidates on the keyboard and to be informed as to how to operate it by the model out in the main room, and he ought, I think, the average voter, a man of intelligence, ought to be able to vote within one minute.

373 Witness identifies a card containing Question No. 1 voted on last November election and reads question appearing on pages 374 to 379 of the record in eight minutes.

380 This was not the only question submitted to the vot-

ers. There were at least four others. The specifications, paragraph b, require that the machine should provide for 12 propositions at one and the same election.

The voter could post himself outside the booth on the position and character of the propositions to be voted on. The law does not require him to do so.

381 The Election Commissioners were required to re-district the city into precincts of 600 voters each. The voting hours contain 600 minutes. In the City of Chicago, when the contract was made, the women had a right to vote for University Trustees. The Board of Election Commissioners was required to make provision for their vote also, or make provision for 600 voters regardless of whether they were men or women. If so, it might have doubled the precincts and required twice as many machines.

382 The voting machine had to cover the primary ballot also. Witness does not recall the number of candidates in the primaries of April, 1912. Witness presumes the Election Commissioners had not conferred with the Mayor or Comptroller, the Chairman, or any member of the Finance Committee of the City Council regarding the financing voting machines. He had not done so.

383 On requiring a certified check for 5 per cent. of the aggregate amount of the bid, witness thought this a reasonable sum and a sum the City usually required. Also wanted to be sure that the men who bid really meant business. It was rumored that a lot of them were simply living off sample machines and their object was to sell out, not to the City, not sell machines to the City, but sell their supposed rights to other companies.

384 There were other people who perhaps really believed they had machines and would bring all sorts of things and present them. "I believe, in one of the last reports of the old Board's experts, three of the machines were not reported on because,—I think it was Mr. Olson said that they were not worth considering, or something of that purport. So it was our desire,—at least that was in my mind,—that the machines that should compete here, and take up the time of the Board and experts, would be men who meant business. We afterwards relaxed that rule and allowed Mr. Winslow to bid for only 50 machines and to put up a correspondingly small bond."

"I cannot tell whether the rule was relaxed in behalf of Winslow before June 1st, 1911."

"Q. Now, about these machines, the owners of the machines who wanted to sell out; to whom did they want to sell out? A. Well, we had one instance in which Mr. Winslow undertook to sell out to the Empire Company."

386 The witness thought that four companies, the Empire, the Triumph, the Winslow and the International, if they had inducements to sell, could very readily equip themselves for the purpose. Witness' impression at the time of sending out specifications was that either one of the four companies might get the contract. This, and the fact that the precedent was around 5%, was what determined the 5% requirement.

389 The specifications also called for \$250,000 bonds.

390 "A. My thought was that if we should get an installment of machines, or two installments, and it would prove that the machines were deficient and not up to the guaranty of the contract, that we would have some recourse or would have a bond from some indemnity company." This would be true no matter what voting machine company furnished the bond.

391 "We would rely upon the bond for a possible deficiency of the machine, but we would rely somewhat on the strength of the companies as to the preliminary bid."

"Q. Why did you send letters to 39 companies when only four companies were considered? A. The hope was
394 to get in anybody that knew anything about voting machines to make an application and let us see what they had.

"Q. Did you intend to pay any attention to any companies save the four you mentioned? A. If they should develop that they had machines, certainly.

"Q. What if it did develop that they had the machine, but not the equipment or factory? Did you intend to ignore it? A. That does not follow as a consequence at all; I am speaking of my own opinion; my thought was that men that had a good machine could finance it very quickly without so much trouble and get it—and I further thought that there might be, somewhere in the progress of things, an ideal machine that I did not know anything about and never had heard about.

"Q. But that ideal machine that you had in your im-

agination would require the owners of it to put up a certified check for \$50,000? A. Yes.

395 "Q. And did you not think that the requirement of
\$50,000 certified check would crowd out nearly all of those
396 persons to whom you sent notices to bid? A. Now, I
don't recollect on that at all. No, it didn't occur to me
that it could have operated."

Witness expected to make an examination of the machines submitted but to rely mainly on the judgment of the experts who were to do the examining for the Board. The witness, above all, expected to make inquiries of places where machines had been used everywhere.

397 The Bureau of Public Efficiency objected to the purchase of 1200 machines at one time.

"Q. Was that considered by the Board of Officials? A. I can't recall whether we actually read the reports out or not and took further action or not, but I remember that we talked around about it and I had a copy of the report and looked it over and considered it as maturely as I could at that time."

398 There were a number of reasons for mentioning 1200 rather than 100 machines in the specifications.

400 Witness did not confer with Powell about his article. The article had been written five years before. At that time witness had also read the action of the preceding Board and knew that every machine presented to it had been rejected.

401 This document of the Secretary of State of New Jersey was dated 1908; the New Jersey law was repealed in 1911. The New Jersey document is on file in the office of the Election Commissioners. It is the annual report of the Secretary of State.

402 The witness does not know the date of the document; it had been made, however, before it came up to the voting machine problem in the spring of 1911.

Witness does not know whether the voting machine law of New Jersey was repealed two days before the Chicago Election Commissioners advertised for bids.

The grand jury report of 1908 recommended that satisfactory voting machines should be installed in each precinct in the City of Chicago at the earliest practicable moment.

403 Witness thought it proper to purchase a large number of machines at the start, because experimentation had

been going on here for a number of years and in other states voting machines had been used for as much as 13 years and that the data regarding voting machines was well known to people interested.

All machines had been rejected after experiment by the Board of Election Commissioners.

The Bureau of Public Efficiency communication goes into financing and opposes the methods adopted. The
404 Election Commission did not go into that. The witness did not, had not the time; that was referred to Mr. Mitchell, the attorney for the Board.

This matter had been discussed almost from the inception of the voting machine question. "Whether we had power to buy or whether it had to be a matter for somebody else."

Witness cannot say that prior to April 24th, 1911, the Board had ever officially requested an opinion on the subject from Mr. Mitchell, or that it had been discussed at any Board meeting. Witness thinks that the Board had an informal talk; that the Board was the only instrument fixed by the law to do it; that if anybody did
405 it the Board must do it. "That was my impression of his (Mitchell's) view."

"Q. Did he indicate to you any plan by which it could be done? A. Well, the plan proposed in the law itself, by the issuance of certificates."

The purpose of asking companies to outline a financial scheme for the payment for machines was to elicit whether the companies would be willing to, as they had done in some cases, extend the indebtedness at a low rate of interest, so as to allow the savings to pay for the machine.

Witness does not know what financial scheme was adopted for paying for voting machines in Indianapolis,
408 or in Milwaukee. The machines used in Indianapolis or Milwaukee were United States Standard, owned by the Empire.

The witness does not know that the Board of Election Commissioners called any member of the Bureau of Public Efficiency before it to discuss the question of financing. Witness delivered a speech on the voting machine question before the City Club and several prominent members of the Bureau of Public Efficiency.

Chairman asks witness if he said that Indianapolis and Milwaukee had made some financial arrangement with

voting machine companies by which a saving was effected.

- 410 "A. I did not intend to say that; if I did say that, I mean to correct it. I do not know what the scheme was. It is possible they paid all cash at the time they bought their machines."

In Indianapolis and Milwaukee they use the United States Standard machine, one of the companies that finally merged in the Empire.

Witness cannot say he had consulted with any officials of Milwaukee or Indianapolis as to what the saving would be. A lot of information about these cities is in the Election Commissioners' office, the study of which was part of witness' employment; experts' reports and testimonials from the cities which the press in Chicago was constantly giving.

- 411 The witness' speech at the City Club was probably July before the Commission let the contract.

- 412 The speech was made July 18th. The City Club bulletin containing the speech is dated July 31st.

- 413-4 The witness does not think the speech was made after the Election Commissioners' decision on the voting machine and says the bulletin is not conclusive on it. Thinks the resolution was passed July 21 and the contract signed July 25th.

- 414 On June 30th the Commission decided only that the Empire Company was the preferred exhibitor and that they were to be notified that the Election Commissioners stood ready to enter into a contract with them. Witness believes that the contract was in the course of preparation but does not think the contract had been submitted to the Election Commissioners on July 18th.

- 415 Witness' best recollection is that the contract was signed July 25th.

"SEN. LANDEE. Q. Was not the resolution in June?

"MR. McEWEN. 'It was resolved that any two members of this Board, that is the resolving part, together with the Chief Clerk of this Board, be, and they are hereby authorized to execute and deliver a written contract, a copy of which is hereto attached, and ordered incorporated in the minutes of this Board with the Empire Voting Machine Company for the purchase of 1,000 machines at said price, \$942,500 and that said contract shall be approved by the County Judge of Cook County,' and so forth."

416 One reason for deciding on the Empire machine was that the firm was a responsible firm.

"Q. To shorten the matter, I will direct your attention to page 108 in the City Club Bulletin, to the speech made by Shelby M. Singleton of the City Club. A. Yes, sir.

"Q. I will read from his speech: 'The report says: The four general requirements relate probably to the adaptability of voting machines in general to the practical requirements of elections in Chicago, among which are the following:

" '1. Convenient form—'

"Q. That is the report of your expert, isn't it, that he
417 is speaking about? A. I think so.

"Mr. DENEEN (reading from page 118). It is as follows: '1st: Convenient form.

" '2nd: Convenient design for keyboard and counter mechanism for simple, easy, rapid and positive voting.

" '3rd: Provision for prescribed and limited number of inspections of counters by the election judges before and after hours of voting.

" '4th: Proof against fraud by custodians, judges or voters.' "

Mr. Deneen continues reading: " 'After setting forth these requirements as the cardinal tests of any machine the experts, as a matter of fact, negatived to a large degree the ability of the Empire machine to fulfill them. For instance, the report shows that the Empire machine is third on the list as to convenience of form and weight for transporting; two of the machines are lighter and therefore easier to handle and transport.

418 " 'In regard to convenient design of keyboard, counter mechanism, for simple, easy, rapid and positive voting, the report says in part: "because of the absence of a party lever which in other machines operates each of the individual keys of that party, split voting by the Empire must be done by pulling down individually the keys which represent the candidates to be voted for and this on a 70-key board will scarcely be done within the one minute's time permitted to each voter in the voting booth." In regard to the third test the report says in part: "as in the case of the Triumph, the Empire has no provision to restrict the number of inspections or the

number of times which the judges of election may have access to the counters.”””

“‘In regard to the 4th test, viz: that the machine should be proof against fraud by custodians, judges or voters, the report sets forth that the Empire machine ‘leaves that point unguarded to a certain extent, since there is a possibility of the ‘wrong setting of counters’ ”; and the report sets forth further that ‘the danger of fraud by custodians is not wholly obviated since fraud is possible in the use of the Empire machine by disconnecting the actuating mechanism from one or more of the keys.’”

“‘The machine—the report does not touch on the question of whether the machine had been tested in regard to its adaptability for primaries.’”

419 The witness heard these matters at the City Club before he signed the contract.

“Q. What consideration did you give them? A. That was considered when the reports of the experts were first made.”

“As to form and size we had proven in the city of Chicago that it could easily be moved without any danger or trouble; as a matter of fact, I had brought a machine up into the City Club, the second floor, in an ordinary elevator. Machines weighing 1400 pounds had been used in Indianapolis for 11 years.”

420 In regard to voting a split ticket the witness had expressed the idea that a party lever is a great disadvantage. The experts’ report show it necessitates a pull from 25 to 75 pounds. A voter may only half operate it thinking he had fully done so when he had not. In the experts’ report it is said that the Empire machine, in the absence of a party-lever, would require a few seconds more time, but they did not regard this as an important point, but think it should be brought to the Election Commissioners’ attention.

421 A voter who would take two or three minutes on the outside to post himself before going into the machine, could vote on the machine within one minute.

Like the Triumph, the Empire machine had no provision to restrict the number of inspections or the number of times when the judges of election might have access to the counters. This question was discussed with voting machine men and Mr. Kellermann and it

was decided that it was not a good thing to restrict the number. Witness thinks the machine is so constructed that the judges cannot do anything with it to effectuate a fraud.

- 422 And it would be a great advantage to be able to go into the back of the machine to decide a dispute as to the proper reading of the counters.

The custodian might disconnect the actuating mechanism so that the key would not work, but the witness couldn't see but that he would be instantly detected and face the penitentiary under the law.

- 423 Besides the Election Commissioners took care that the assembling of the machine is properly done under the greatest possible security.

- 424 Three distinct inspections are made by different men who make affidavits which are filed separately and witness does not regard this as a valid objection.

Taking the evidence from communities which have used voting machines, the records show that voting machines prevent and eliminate fraud.

- 423 "MR. DENEEN. (Reading from the voting machine law quoted in the copy of resolutions, page 3, line 67:)

- 425 "That the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose.

- 426 "MR. DENEEN. (Reading) Line 70 of resolutions. The voting machine is susceptible to being closed during the progress of voting so that no person can see or know the number of votes registered for any candidate."

- 427 The witness says that the unlimited inspections he referred to as desirable were those taken after the election was over.

The mechanism of the machine can be opened during voting for repair purposes.

- 428 Through collusion of all judges and clerks in the polling place the machine might be examined during the progress of voting to learn how candidates stood, but it would require the connivance of the entire polling officers.

As to form and weight, the machine weighs 950 net, 1120 pounds in a bulk.

Witness has no knowledge how many times the machine must be handled in preparation for use at election.

429 The Chairman announces the presence of Miss Johnson and asks if counsel care to use her as a witness.

“Mr. DENEEN (to the witness). Q. Do you and Mr. Czarnecki agree in these matters?

THE WITNESS. I do not think there is any occasion for any further disputation, Governor. I am willing to say that that testimony furnished the committee is substantially correct, but as to all the other facts, I mean little items that I cannot remember, it may be correct, I do not know, I would not say.

MR. McEWEN. You mean the record as furnished rather than the word testimony which you said.

THE WITNESS. The minutes.

MR. McEWEN. I will say in behalf of the interests I represent, I do not intend to take any different position than as stated here by Dr. Taylor, and I presume the stenographer might say everybody checked up the minutes and added to it. I think it will show that Mr. Czarnecki did and probably Dr. Taylor did and that is my understanding.

MR. DENEEN. But, mind me, when it was all done they all agreed to the minutes as being substantially the minutes of the Board.

MR. McEWEN. On all the essentials that would naturally form a part of the record, the proceedings, they were acquiesced in and considered as the record.

MR. MITCHELL. The statement incorporated in the minutes by Mr. Czarnecki that the minutes were read and approved is not true.

VOLUME VI.

Afternoon Session.

Thursday, July 24, 1913.

433 DR. HOWARD S. TAYLOR:

“Communication of the Winslow Voting Machine Co.

“The Winslow Voting Machine Company, an Ohio corporation, having its headquarters at Toledo, Ohio, respectfully presented this its protest and petition to the Board of Election Commissioners of the City of

Chicago, Cook County, Illinois, in relation to the specifications for the furnishing of voting machines and the invitation of sealed bids thereunder, which specifications have been adopted and bids invited by the said Board on or about April 27th, A. D. 1911.

"1st: The specifications require bidders to specify that they have at least a voting machine on exhibition meeting the requirements of the Illinois Election Law and the Illinois Voting Machine Law, and yet such specifications permit for the purpose of exhibition a machine with a number of voting keys and party columns inadequate for the requirements of the elections held under their jurisdiction and inadequate to meet the requirements of specifications describing voting machines which the Board has authority in law to purchase, or which as indicated under said specifications it proposes or intends or purchase.

"2nd: The number and date set forth in the specifications for the furnishing, delivery and equipment of the voting machines set forth in (1) are unreasonably impossible of fulfillment as your petitioner is informed and believes by any existing owner or manufacturer of voting machines in the United States of America. No possible competent bidder is known to your petitioner who would dare to make bids under the specifications as to the installments for delivery above referred to, unless such bidder felt that grounds existed for belief that an extension of time would be granted.

"3rd: (n) of the specifications taken in connection with the terms of (a) of the specifications for the exhibition of a machine adequate for the desired purposes is so drawn as to operate to the material disadvantage of intending bidders who now possess, ready for the purposes of exhibition machines suitable for purchase under the specifications in the contract, and to work to the material advantage, by allowing a postponement as to the date of the execution of the contract, in favor of intending bidders who may possess and exhibit machines which do not comply with the specifications covering machines which may be purchased.

"4th: Your protestant and petitioner shows that (6th) of the specifications the Board requires an indefinite and therefore unreasonable continuing further option on its behalf, but with no obligation on its part to

purchase additional machines at a price no higher than named in the original contract. This disregards the reasonably anticipated variations in the prices of labor and material and furnishes no limit except the life of the Board of Election Commissioners only, for the termination of this continuing obligation on the bidder.

"5th: Your protestant shows that the amount of the check required to accompany each bid is unreasonably large, being substantially \$60,000 and that the requirement that said check shall not be returned to the successful bidder until the contract has been executed a bond of \$250,000 guaranteeing the faithful performance of the contract has been furnished, is unreasonable because the specifications are so drawn that it is entirely with the power and right of the Board to accelerate or delay the signing of the contract with the successful bidder. Your petitioner if a bidder has no means of ascertaining whether the signing of the contract would be so delayed by the Board as to afford sufficient time to permit compliance with the delivery, installment quantities and dates set forth in (k) of the specifications or whether the contract would be signed at a date making it impossible for any possible bidder known to your petitioner to comply therewith if the date of the signing of such contract should be as early a date as is legally possible under the specifications as framed.

"For the reasons above stated your petitioner respectfully protests against said specifications and petitions the Board to reasonably so amend the same as to permit your petitioner with propriety and reasonable business safety and intention of performance to submit bids and to submit a sample of the machine manufactured by your petitioner. Which your petitioner affirms will fully and completely satisfy the requirements of the laws of Illinois and any specifications prepared in compliance with the letter and spirit thereof, and that the time for the filing of the bids be extended until the first day of July, A. D. 1911. Your petitioner is not fully informed as to the law, but inasmuch as your Board has already amended the specifications and already extended the time, your petitioner assumes that your Board has authority to heed the protest and grant the petition of your petitioner.

"WINSLOW VOTING MACHINE COMPANY,
By (Signed) L. R. WINSLOW, *Mgr.*"

437 "The witness remembers these protests. The witness thinks Commissioner Czarnecki moved to give consideration to the protest and that the witness moved to place it on file.

439 "After hearing read the requirements of specifications as to delivery of machines the witness say: 'My reply is that I do not think that we formally altered the tests and I do not know that we altered it at all.' "

After receiving the Winslow protest Mr. Winslow was permitted to come in with a smaller number of machines however. Witness does not think that any bidder had advance information that the Election Commissioners would alter the specifications, and the Commissioners had not discussed with any bidder the subject of altering the specifications after letting the contract, or that the conditions as to the time of delivery would be changed.

440 The contract does not follow the specifications as to delivery.

Mr. DENEEN. Q. You extended the time to fifteen months rather than nine months after you had awarded the contract, after you had decided to award it?

A. I do not recall that, it is a total of twenty-six months.

441 Witness does not recall why the time was extended. It occurs to him that if no company could have complied with the contract then no company was injured.

Witness thinks that the contract was prepared by the attorney and the Chief Clerk; perhaps the attorney of the Empire Company. It was brought in and his only recollection of it is that complete delivery was to be accomplished in twenty-six months. "I thought that the permanent installment of voting machines would probably be accomplished within Judge Owen's time, his term.

Mr. DENEEN. The provisions of the specifications were altered. Were those contained in the copies sent out to the machine companies generally.

The witness thinks that the Commission was not bound by the specifications on this point, that having selected a machine they could make whatever contract seemed best.

443 The specifications is a sort of an invitation to "come and see how nearly you can get to this, and if you can get within that bound, or approximately, we will then consider a contract, if yours is the goods, if yours is the selected machine." "That is what I thought about it."

The witness regarded the specifications as more than a

matter of form, but not binding upon the Commissioners as to each proposition.

444 The specifications were made a part of the contract. The witness had not noticed that.

"MR. DENEEN. The contract states that the specifications are attached hereto and that there is no provision to make them a part of the contract."

445 Mr. Deneen reads the following provision of the contract: "Whereas, the 'Board' issued specifications for the furnishing of voting machines to said 'Board' which said specifications bear date April 27, 1911, and a copy of which specifications is hereto attached and marked 'Exhibit A, and' ——"

"The WITNESS. That is correct, yes."

"From the Ergy Register Company, Dayton, Ohio, May 25th, 1911, from Leopold Rauh, President, addressed to Mr. Wm. H. Stuart, Chief Clerk, Board of Election Commissioners of Chicago, Ills., which is as follows: Dear Sir: After my conversation with you with regard to voting machines and upon my return home I received your valued favor of the 20th inst., stating that bids for voting machines will be opened tomorrow. We have already stated to you that we shall not be in position to file a bid of this kind since we have just completed our fundamental machine and this machine we shall have on exhibition at the Chicago Municipal Exposition to be held in your Auditorium September next.

447 You can readily understand that in the first place it would have been quite expensive to ship our machine to Chicago at this time and that it would avail of nothing else but to demonstrate, since we are not ready to receive any orders and it will take considerable time to prepare for manufacturing as well as organization. I have noticed in the lobby of your office that perhaps only the 'Triumph, the Empire and the Winslow' will be on exhibition. The Empire being the oldest Company in the field will be undoubtedly the most aggressively situated at this time. In reviewing your conditions as to what your requirements are, I will not go at length into this matter and would simply suggest this, that if it is within your province to inform me who your Board of Mechanical Experts are that will go into an examination of the machines that will be before them, I shall be very glad to avail myself of the opportunity of laying all the facts

pertaining to our machine before them, and I assure you that we can demonstrate most important points in all of the arrangements that you are requiring, barring none—that we can furnish a machine that is lighter and smaller than the ones that are likely to be on exhibit, since all the countermechanism of our machine is semi-rotary and each party column can be readily removed for storing away, thus we have what no one else has, a so-called K. D. voting machine. Of course, all this is mechanical and can be best appreciated by expert mechanics. The machine has been built in the shops of the Ergy Register Company but it is my own property. The experiments have been going on for almost the past ten years and the invention is covered by patents that have gone to issue and a number of patents that are now pending. We have a great number of security features connected with our machine, such as sealing the machine when the election is over, for taking an impression of the counters onto a tally sheet at the opening of the booth, whereon we show that all the counters have been at zero and for taking this same tally sheet and showing thereon in each column the standing of the voting counters at the close of the election so that an exact audit and report is had very quickly.

Another very important feature that I might enumerate is that we set all our counters at zero by and in a single operation for each party column so that if there are ten political parties we have simply ten operations to perform to turn all of the counters in the machine to zero. Everything in our machine is new and novel. It has been so constructed on independent lines and our inventor has been original and has not endeavored to copy in the internal working arrangements. The outer constructions of course will not differ very much from any other make of machines. Much thought has been given to building the machine 'fool' and 'villain' proof, and the matter of adjusting the machine to the various demands of the tickets nominated by political parties has also been taken care of so that it will not require any one above ordinary knowledge to set the machine to the requirements. Our group voting or limiting device is one of the simplest imaginable and the machine can be set to conform to the ticket of any nomination as quickly and as simply as one would set the hands of a clock or watch and the capacity is not only almost unlimited, but free of any lost motion

or wear. I am not writing this letter to you in order to 'knock' any other machine that may be before you but am writing you to simply keep you informed of what will be on the market. My Company has not been financed yet and it will be perhaps a year before we will arrive at a manufacturing basis. Voting machines are first class things and there are some on the market now that have very good features. No one company will be able to furnish all the machines that will be needed over this broad land before very long, consequently there is room for all of us. Thanking you for courtesies shown me while at Chicago and trusting that you will permit me to keep in touch with you on this entire proposition, I remain, yours very truly,

LEOPOLD RAUH."

451 Witness thinks the letter just read was received and filed, probably. "I do not recall."

"Mr. DENEEN. It was not given any consideration by the Board?

"The WITNESS. No, I think not."

"Also the following letter from the American Voting Machine Company of Boston, Mass., dated May 18th, 1911, addressed to the Honorable Board of Election Commissioners of Chicago, Illinois:

"GENTLEMEN: In reply to your night message of May 17th in which you suggest that we submit an informal proposition in reference to our voting machines to your Board, after which you would pass upon our requests that the time for submitting our bid has been extended to June 20th, we respectfully submit to your Honorable Board the following:

"We can furnish your city with voting machines as per specifications and to meet the requirements of the voting machine law of the State of Illinois, measuring 6' 2" in height, 18" in width and about 12' in length and weighing about 800 pounds, f. o. b. Chicago at a price of \$700 each from which totals will have to be read and \$780 per machine equipped with printing registers together with printing devices. This estimate is approximate and may be \$50 more or less. If the time for our bid in extended to June 30th, we will be able to construct a machine with nine party columns and seventy keys which will meet with all the requirements and be able to give

you the exact cost. We trust that your Board will take favorable action in behalf of our request, we remain,

Yours very truly,

AMERICAN VOTING MACHINE CO.

F. E. NICKELS."

- 454 The witness thinks that likely he moved to place the letter on file.

Witness cannot state whether it received consideration by the Board or whether it was simply an open discussion. Witness supposed that the American Voting Machine Company had been in the habit of asking for an extension and that there were records of their asking extension on the old minutes; that they were apparently never getting ready to get into the contest. "Now, I am not sure, as I say, that that was talked about in the open Board when we considered, and I would not say it was talked of officially. I cannot remember whether it was talked over between me and any member of the Commission, and will not say that the American Voting Machine Company had been in the habit of asking delays of previous Board."

Also the following letter from the Caulkins Voting Machine Co., to the Honorable Board of Election Commissioners, Chicago, Ills., dated May 25th, 1911, on the letter-head of Erik L. Krag, 1041 First National Bank Building, Chicago.

"HONORED AND DEAR SIR:—I regret that I am unable at the present time to comply with all the demands of your specifications for bids for voting machines. I have exhibited a Caulkins Voting Machine with your Honorable Board, which, while not entirely complete, beyond doubt will clearly demonstrate its many advantages to you. This is the only machine which can absolutely guard against fraudulent manipulation of counters and mechanism. It is the only machine which will print, in one minute, the totals for every candidate, for every straight ticket and of all cast votes, for each office, together with the totals of all the totals in each party, leaving the only thing for the judges to do—sign their names.

"A machine of the capacity required for Chicago will weigh, complete, in shipping case, about 200 pounds and would be 34½" long, 23" high and 12" deep. If you are favorably impressed with this statement, I should be

pleased to give you more detailed information. I beg to remain,

Yours very truly,

ERIK L. KRAG."

Witness thinks this letter also was filed.

Also the following letter from the American Voting Machine Company, of Wooster, Ohio, dated May 19th, 1911, addressed to Mr. W. H. Stuart, Chief Clerk of the Board of Election Commissioners, city of Chicago, Ills., "My dear Sir: We have been making every effort possible to complete a machine for exhibition before your Board of Election Commissioners under your specifications, dated April 27th, 1911. We regret to say that we cannot complete this machine by the 22d of May, 1911. We commenced to build this machine to meet your requirements as given to Judge H. B. Swartz and regret that we will be unable to complete it by the 22d of May, 1911. We desire to say, however, that we can comply with each and every requirement under your specifications for a voting machine. We believe that we have built a machine, which can comply with your requirement, and we trust that some later date will be fixed by the Board of Election Commissioners for the receiving of bids and exhibition of machines. It will take us probably 30 days to complete our machine and secure the approval of it by the State officers of Illinois, and inasmuch as you desire to purchase a large number of machines, we feel it to be an injustice to let this contract without seeing our machine, which is built on an entirely different principle than any other voting machine now built. We believe this machine, on account of the new parts needed in its construction, and the simplicity of its operation, will take a lead over all the other voting machines now on the market.

"On this machine it is possible to do everything that is possible to do under the Australian Ballot Law of Illinois, with the paper ballot and the pencil. There is no requirement of this law which we cannot meet with this machine. Is it not possible to arrange some time later when our machine can be exhibited before your Board and you can be made familiar with its operation? We have done everything possible to be ready by the 22d of May and find that we are not able to complete this machine.

Very truly,

THE AMERICAN VOTING MACHINE CO.,

H. H. ZEIGLER,

Sec'y."

Witness thinks this letter was also probably placed on file.

458 The bids were opened June 1st. The four companies bidding were the Empire, Triumph, Winslow and International.

459 The experts were appointed on June 3d, selected by Judge Owens. The experts were Messrs. Abbottt, Chamberlain and Wooley. The witness did not know them at that time.

"MICHIGAN CITY, Ind., June 15th, 1911.

*Hon. Chas. H. Kellermann, Chairman,
Board of Election Commissioners,
City Hall, Chicago.*

DEAR SIR:—

"I am submitting to you for presentation to the Board the status of my eighteen years' work to produce a mechanical device for recording and counting votes at our popular elections.

"First: It is impossible to state fully, in any single paper that you would have the patience to wade through, what ought to be given on this subject. And many of my assertions herein will be hardly believable by your Board without a fuller setting forth than can be made by writing. If, however, this letter creates enough interest to warrant you in calling for me I will at any time gladly come before the Board for questioning. And while wishing to be decently modest and certainly not to stand in the light of a 'knocker' or 'butter in', yet 18 years of the hardest study, work and careful observation of what has been going on in this field, ought to enable me to speak with some weight.

"After several years' work devising and building a type similar to those you are now examining, I abandoned the so-called 'voting machine' idea which does not permit several electors in the same voting precinct to be preparing their ballots at one and the same time.

"The reason is obvious.

"After long study and observation of actual conditions during elections, together with a careful comparison of requirements in different states, I set myself the task fourteen years ago to devise a mechanism for recording and counting votes in our popular elections with the following requirements:

"1. It must be very simple, small and light.

"2. Must have capacity to record a minimum of one thousand names and fifty questions of public policy, amendments, etc., or ten full tickets of one hundred names each, besides all possible 'yes' and 'no' or 'for' and 'against' questions.

"It must, without extra cost, count two thousand votes.

"To count two thousand votes in a ten-hour day there would be required at least ten marking devices and booths with one counting machine in each voting precinct, thus allowing at crowded hours as high as ten voters to be preparing their tickets at the same time.

"3. Must not allow even an official to regulate or even touch by any means short of mutilation a single counter or a single piece that actuates the counter. All 'setting' must be done from the outside by a single stroke of the operating mechanism.

"4. In size 1 set a cubic foot and weight fifty pounds and have been able to save a good margin.

"To accomplish special things in elections, such as come up in Primary balloting, or as in your state, vote plumping there must be no special attachments. The regular mechanism must do the work; and the simplest directions must be plain on the face of the invention so that any voter with or without mechanical turn of mind shall see what to do without coming from his booth.

"5. No 'expert mechanic' must be necessary in its up-keep or in handling and placing for elections.

"6. The total cost to equip a first class City should leave something in that City's treasury.

"Can so much be done?

"It is done.

"Within six weeks' time I can put the visual evidence before you.

"Your undemocratic Illinois feature of cumulative voting, together with the recent expansion and elaboration of Primary voting, in many states, have been a serious hinderance to me after I thought I was done with this most intricate problem.

"Thanking you for the privilege of presenting this to your Honorable Board and holding myself at your service,

"Respectfully,

(Signed) EUGENE GREGORY."

463 Witness remembers the receipt of this letter and thinks it was placed on file.

CHICAGO, ILL., June 19th, 1911.

*To the Honorable Board of Election Commissioners of
the City of Chicago.*

GENTLEMEN:

463-468 "Supplementary to our printed and oral arguments,
we beg leave to present to your attention herewith a number of statements relative to the International voting machine.

"It will be as much to our advantage as to yours, to make whatever changes are desirable to our machines, so that it will meet in every particular the needs of the City of Chicago as you see it. To this end we will (a) move the public counter so that it is visible from the back
463 of the machine and can thus be read while the voter is in the booths; (b) place the woman's lockout ballot lever, on the back of the machine, outside of the curtain. (c) Build six or more primary bars in each machine said bars to be operated from the rear of the machine and outside of the curtain, and the face of each bar to be sufficiently large to carry a party appellation which may be readily distinguished by election judge or by a watcher. (d) Cover the face of the ballot with celluloid, which will prevent the voter from marring the ballot and will prevent the placing of rubber bands on the lower part of the key. (e) If you think it is desirable, we will put a tension on the party bar which will have a tendency to prevent the withdrawal of the keys by rubber bands placed on top.

"Your attention is respectfully called to the light weight of the International machine, it weighing less than one pound to each key upon the face of the machine; and to the convenience and ease with which the machine may be set up ready for voting. The case frame of our machine, which furnishes the working support, is a compact, fabricated structure, built up scientifically so as to withstand any strain that may be put upon it.

"There is no maze nor mass of suspended and collapsible parts susceptible to every jerk or jar.

464 "The International machine does, we believe, everything that any other voting machine does, and performs its work in the most simple and natural way possible. It
465 is a machine that no mechanic will have to touch with a tool, a machine so advanced in its fundamental features that it may be changed to receive a new ballot as easily as the marginal stops may be changed on a typewriter

machine. The fact that these changes must be made for each election, or on an average of four times a year, should be taken into consideration in figuring the fixed costs of using voting machines.

“The International machine has its lock on its face, directly alongside of the ballot, most convenient for the custodian. He sees what he is doing all the time, there is no guess work adjustment. Every piece of the machine which the custodian needs to see is get-at-able in an easy and natural way. Every part of the machine is thoroughly tested as to its strength, and is guaranteed. There are no weak parts. All movements in the International Voting Machine are positive and camactuated. The positively engaged register is a fundamental feature. It is absolutely controlled, inasmuch as the key which operates the register travels only across the diameter of a round hold of a predetermined correct size, thus making it im-
465 possible to count more than one vote.

“The irregular vote on the International Machine wholly meets the requirements of the law. Possibly it is not ideal but we believe that its slight disadvantages are not equal to the disadvantages of the bulky, weighty and doubtful paper roll.

466 “The International is an all machine voting device, not half man and half machine. It prints the condition of the registers in the morning and does not depend upon the sworn statement of judges and clerks. The registers are set preferably at 000, but wherever they are set, the machine preserves a record of their starting points. This print together with the print taken at the close of the polls in the evening, supplies a positively correct record of the number of votes for each candidate, and for and against each proposition, during the voting day, thus not depending upon the fallible human record. This printed record furnishes wholly dependable evidence in the event of a contest and will practically eliminate court proceedings. The exhibition of a ballot with both morning and evening print will immediately satisfy judges and candidates. It will be as final as a court decision in itself.

“The slow progress of voting machines in the past is due, we believe, to the fact that none of these machines has printed as much as it is due to their cumbersome and general unreliability. It is argued by the manufacturers of nonprinting machines as opposed to another nonprint-

ing machine that the latter does not total the votes, that the individual vote must be added to the party vote to
467 secure the total. In other words that it does not do what the machine is primarily intended to do—eliminate clerical work. This is all right as far as it goes, but the argument of the first man condemns his own machine and endorses the International which is the only one that wholly eliminates the human element in the record of its work.

“The one hypothetical argument that stands against the International Voting Machine is the argument relative to the malicious use of snow or water brought into the booth by the voters. The voter who comes to the machine with malicious intent, and who is willing to take the chance of going to the penitentiary if he is caught in the act, can destroy any voting machine that has ever been made. The celluloid sheet over the face of the ballot will prevent injurious results from whatever moisture is unavoidably brought into the booth.

“We believe that the International voting machine has reached the state of perfection where it is a practical device, that it will give Chicago better election results than can be secured by the use of any other machine now in existence, or by the use of the paper ballot. The use of the International Machine in the City of Chicago would result in a large annual saving, and would reflect great credit upon the men who are instrumental in bringing it into use. We maintain that a voting machine with 700 keys on the face and which weighs only 600 pounds is as light a machine as is practical to build. Two men can handle it easily and no machine will ever be built, it is our opinion, suitable for use in the City of Chicago, which can be handled by less than two men.

“We submit these statements in this form that they may be analyzed by you at your convenience. We believe that they will receive your careful consideration.

“Yours respectfully,

“INTERNATIONAL VOTING MACHINE Co.”

468 Witness remembers the letter which was placed on file. Does not know that any official consideration was given to it nor was it discussed by the Board.

The report of the experts W. L. Abbott, Paul M. Chamberlain, and Wm. W. Wooley, received June 26th.

*"Honorable John E. Owens,
County Judge, County Building,
Chicago.*

SIR:

469-480 Your Commission of Experts, appointed to advise you as to the actual and relative merits of certain voting machines which the Board of Election Commissioners have received proposals for, have examined the machines submitted, considered the practical requirements of election conditions and herewith submits the following report:

"The problem submitted to your Commission was broadly outlined as follows:

"1st: Do the machines fulfill the requirements of the State law?

"2nd: What are the materials entering into the construction of the machines, and are the materials sufficiently good to meet the demands made on the machines?

"3rd: Are the machines mechanically correct?

470 "4th: Are the machines equal to the work and requirements of the election conditions of Chicago?

"The first general requirement is detailed in the State Law relating to voting machines.

"The second general requirement relates to the mechanical strength and durability of the device.

"The third general requirement relates to the mechanical accuracy of the machine in performing desired operations and restricting to such operations.

"The fourth general requirement relates broadly to the adaptability of voting machines in general to the practical requirements of election conditions in Chicago, among which are the following:

"1. Convenient form and weight for transporting.

"2. Convenient design of key-board and counter mechanism for simple, easy, rapid and positive voting.

"3. Provision for prescribed and limited number of inspection of counters by the election judges before and after the hours of voting.

"4. Proof against fraud by custodians, judges or voters. Four makes of machines were submitted for an inspection:—

"Triumph Voting Machine, manufactured by the Triumph Voting Machine Company, Pittsfield, Mass.

- 471 "Empire Voting Machine, manufactured by the Empire Voting Machine Company, Jamestown, N. Y.

"International Voting Machine, manufactured by the International Voting Machine Company, Elgin, Illinois.

"Winslow Voting Machine, manufactured by the Winslow Voting Machine Co., Toledo, Ohio."

"Following is the discussion of the distinctive features found in the various machines:—

"TRIUMPH VOTING MACHINE.

"This machine is of medium weight, is packed in convenient form for transportation, it fulfilled all of the conditions imposed by the State law, is made of suitable and durable material, and is of correct mechanical construction.

- 472 "The commission, however, considers it deficient in that there is no provision for limiting the number of times the judges may obtain access to the counters. It is also deficient in that it is easily possible at the time of an inspection to disconnect an individual counter or counters from the party lever bar, so that straight ballots cast by the party lever will not be registered by the counter so disconnected. The resetting and releasing levers where understood, are useful for quickly correcting erroneous votes, but may be confusing and present the possibility of voter erasing entire vote. The machine may also be made to give a false registration by means of a spring or rubber band attached to the voting key. Such an attempt at fraud, however, would be so apparent that it could scarcely fail to attract the attention of the next voter.

"EMPIRE VOTING MACHINE.

"This is the only one of the four machines submitted which is not provided with a party lever. The machine fulfills the requirements of the State law, is very well constructed of suitable and durable materials, and is in convenient form for transportation; but is somewhat heavy, weighing 904 and 1150 lbs. boxed for shipment.

"Because of the absence of the party lever, which in other machines operates each of the individual keys of that party, split voting with the Empire must be done by pulling down individually the keys which represent the candidates to be voted for, and this on a 70-key board will scarcely be done within one minute's time permitted to each voter in the voting booth; it also makes

it necessary to add the ballot cast on the party key to those on the individual keys. These disadvantages apply to any machine which has a party key instead of a party lever. The advantages of the party key on the
473 other hand are simplicity of instruction to voter and less mechanical complication.

"As in the case of the Triumph, the Empire has no provision to restrict the number of inspections or the number of times which the judges of election may have access to the counter.

"International Voting Machine.

"This machine complies with the requirements of the State law, is well built of strong and durable materials, and is of correct mechanical design. Of four machines submitted, this one is the lightest in weight, the simplest in design, and is the only one from which printed records of the counter indication may be taken.

"The commission, however, considers the machine deficient in the following points: The arrangement of the key-board in a horizontal rather than in a vertical plane is not approved. The arrangement of the printed lines on the ticket is parallel to the line of vision and the names are, therefore, not so easily read as if they were arranged at right angles to the line of vision. The movement of the voting key is so slight that there is not a positive indication for whom the ballot is cast. The voting by a party lever may not be positive when the
473 lever is not moved through its full swing. A voter possessed of a key might open the machine and tamper with the counters within the time allowed for voting.

474 *"Winslow Voting Machine.*

"Complies with the requirements of the State Law, and is properly constructed to meet the requirements of strength and durability. Your experts find, however, that in the sample submitted the actuating mechanism of a number of counters was inoperative, and in the opinion of your commission the design of the counter used is such that after a few hours it may be expected that one or more counters will become inoperative.

"This machine is provided with a restrictive device, but in the sample submitted the device is ineffective. It would, therefore, be possible, in spite of the restrictive device, for a woman to cast a full party ballot; also on the sample submitted there was no check on the roll of

paper which is provided for the irregular vote, and without such a check voters might cast several ballots for any irregular candidate.

"As the weight of each machine is 1,290 lbs. handling is not an easy matter. The keyboard is well designed for rapid and positive voting, but the amount of force required to pull a party lever (about 75 lbs.) is considered objectionable and excessive.

"Below in tabular form appears a comparison of the principal features of the machines examined.

475	Item	Triumph	Empire	Intern'l	Winslow
	Check on irregular voting	Perforation of roll	Clutch	Individual cartridge	Unprotected
	Possibility of disabling mechanism by construction of keyboard	Yes	No	Yes	No
	Possibility of fraud by voter.	None found	None found	Turn counter if possessed of key	No limitation to amt. of irregular voting
476	Possibility of fraud by judge.	Disconnecting one or more keys from party lever at time of inspection. Wrong setting of counters	Wrong setting of counters	None	Wrong setting of counters
	Fraud by custodian	Disconnect actuating mechanism from one or more keys	Same	Same	Same
	Provision for three inspections	None	None	Yes	Yes

Item	Triumph	Empire	Intern'l	Winslow
476 Dimensions, width	22"	19"	26"	22"
Required for length	88½"	88"	88"	78"
Storage, Height	50½"	62"	42"	68"
Weight as per proposal	725	904	665 to 715	1260
Shipping box		286		
Exterior finish	Enamel	Enamel	Enamel	Paint
Effectiveness of mechanism	Excellent	Excellent	Good	Fair
Pull of party lever	25 lbs.	None	5 lbs.	75 lbs.
Relative convenience of handling	First	Third	Second	Fourth
Party voting	Party lever	Party key	Party lever	Party lever
Split voting	Party lever and individual key	Individual key	Party lever and individual key	Party lever and individual key
Irregular voting	Written or sticker on roll	Same on roll	Same placed in a cartridge	Same on roll
Correcting voting error	By voter	By judge	Not possible	By voter

"All of the machines submitted comply with the requirements of the State law. All are constructed of steel, aluminum, bronze and other composition metal, and the parts are of sufficient strength and durability for their respective duties.

476 "All, with one exception are of proper mechanical design to perform their required operations, the exception being in the case of the counter mechanism of the Winslow machine.

"For convenience in transportation the machines may be rated inversely as their respective weight which is as follows:

International	665 to 715 lbs.	Canvas case.
Triumph	725 lbs.	Canvas case
Empire	904 lbs.	Wooden case, 185 lbs.
Winslow	1,260 lbs.	Canvas case.

477 "The design of the keyboard and counter mechanism for simple, easy, rapid and positive voting, is satisfactory in the Triumph and also in the Empire, except that with the latter machine, which has no party lever, split voting requires a few seconds more time than is necessary to vote a split ticket, on a machine equipped with a party lever. Your commission does not set this up as an important point, but think it should be brought to your attention.

"The horizontal arrangement of the International

keyboard is not approved, neither is the arrangements of the printed lines on the ballot. These points were called to the attention of the mechanic demonstrating the machine who stated that the machine could be readily adapted to a vertical position keyboard with horizontal printed lines, and in this statement your commission
477 concurs. The movement of the voting key is too slight to be positive indication of its having been voted, and it is easily possible to give the party lever a partial movement which will actuate some but not all of the counters.

"The Winslow machine has a well arranged keyboard and a design of voting keys which gives a positive indication for whom the votes are cast, but the pull required to operate a party lever constitutes a very serious objection to this machine.

"Provision for a prescribed and limited number of inspections of counters by election judges before and after hours of voting, your experts consider highly desirable.
478 Provision for limiting the number of inspections by judges is made in the International machine and in the Winslow machine, but is not provided in the Triumph nor in the Empire. It seems that it would be a rather simple matter to include such an attachment in the mechanism of these two named machines.

"Absolute proof against fraud by custodian, judges or voters or by connivance of two or more of these parties is, of course, impossible, but certain precautions may be taken which will make voting machines reasonably secure in this respect.

478 "The use of a rubber band attached to a voting key to give false indication is such a clumsy and apparent attempt at fraud that it need scarcely be considered, although this method of deception is applicable to the Triumph machine. A more serious matter, however, is the possibility with this same machine of disconnecting an individual counter from a party lever which may be done by a custodian before the machine is sent out or by the judge at the time of an inspection in the polling place. Your commission considers that the designers of the machine can easily provide protection which will prevent a judge from so tampering with the machine, and a rule requiring the judges to test all voting levers and keys before polls open would detect any false setting on the part of the custodian.

“The Empire is, in the opinion of your experts, reasonably well protected against possibilities of fraud.

479 “The International in its present form may be easily tampered with by a voter possessed of a key which will open the machine to the counters, as he could change them to any desired indication. This weakness might, in a way, be protected by a seal which would indicate when the machine is opened.

“The Winslow is susceptible to fraud in that the restrictive device for women voters is not effective, rendering it possible for such a voter to cast a full party vote; and there being no check on the paper roll which provides for the irregular vote, a voter might cast several ballots for any irregular candidate.

“As will be seen in the foregoing, each machine possesses certain points of excellence and certain defects which are not common to all. Some of these defects are not vital and most of them may be overcome by the designers.

“Your commission believes that the voting machine art has been developed to a point where machines may be installed in Chicago with safety and economy and that such installation shall be the means of greatly minimizing possibility of fraud at the polls. Taking the machines as submitted and allowing for such changes as manufacturers would doubtless be glad to make if requested, your commission gives them the following relative rating for general adaptability to your purposes:

480 “First: Empire Voting Machine.

“Second: Triumph Voting Machine.

“Third: International Voting Machine.

“Fourth: Winslow Voting Machine.

“All of which is respectfully submitted,

(Signed) W. L. ABBOTT,

PAUL M. CHAMBERLAIN,

WM. M. WOOLEY.”

482 The report was filed with the commission and received consideration. The witness thinks it was received June 28th.

“This is a motion made by Mr. Czarnecki at the meeting of Friday, June 30th, 1911 (reading):

482-3 “Whereas, the voting for groups of judicial candidates and County Commissioners is a question of great importance in Chicago’s elections;

“Whereas, the number of judges to be voted for is

steadily increasing, and the number of County Commissioners to be voted for in the future may be increased beyond the number of ten;

“ ‘Whereas, the Board of three engineering experts in their report are silent entirely upon the question of group voting, the practicability of grouping for, say, fifteen or twenty candidates without violating the law in permitting extra votes under such grouping, and throw no light upon the subject as to whether any test was made along that line; it is hereby moved that this Board of Election Commissioners before passing any further in the voting machine matter, and before taking any other action, do now proceed to make its own test with reference to the grouping of fifteen or twenty names for an office to determine whether the future requirements of the election conditions can be complied with, or whether the adoption of machines at present submitted will limit the grouping of fifteen or twenty without the dangers of facilitating the casting of an additional or more illegal voting for such grouped office.’ ”

484 The motion received no second. Witness assumes that in the experts' report of the grouping device of the Empire machine, that the experts had tested it and made no objection.

488 Witness' attention is called to the clause in his resolution: "Therefore be it resolved that this Board do at once proceed to arrange for the purchase of 1,000 voting machines, deliverable in installments approximately as provided by the specifications hitherto adopted by the Board." Witness does not think that the Empire Machine Company had had any conversation with him in reference to delivering machines at that time.

489 The provision that the delivery of the machines should be "approximately" as defined in the specifications was placed in the resolution so that the authority of the Board to make the contract should not be too arbitrary, too precise, and allow some latitude. The witness knew there would have to be some accommodation as to delivery.

"Q. Why? A. Well, it might be, as it afterwards transpired, that we should have these, not in three or four big deliveries, but in deliveries of fifty. I remember talking that up and they said they did not want their machines piled up in the shop and they would like to deliver them fifty at a time as fast as they were finished and prepared; so that was one thing; I cannot recall just

what the reason was, but it was intended to allow some latitude in making a contract."

- 490 The change did not necessarily mean a change in the specifications after delivery of 200 machines within four months, but that instead of delivering 200 machines in a single delivery they might deliver the machines within the months named in installments of 50.

As to the second installment of 300 machines, witness did not mean that they should be delivered in installments of fifty or any like number within nine months. The word "approximately" simply referred to some latitude of adjustment between the Board and the company.

At the meeting of June 30th Commissioner Czarnecki offered the following resolution:

- 491 "I hereby renew my motion upon which no action has been taken up to date, and now move to limit the first purchase of voting machines for the City of Chicago to 120; these to be tried out in practical use at the primaries and elections of next year before the remaining number of machines necessary to equip the City of Chicago are purchased."

The witness remembers the resolution.

- 492 There was no second to the resolution.

The witness stated regarding the resolution that "to limit the purchase as requested would be unfair to the bidders who bid upon 1,200 machines and would be merely a delay in bringing about the reform of installing voting machine for which the people had voted which had been sought for many years."

Witness thought that the degree of flexibility as to machines purchased required by Commissioner Czarnecki's resolution a difference of approximately 900 machines was too much flexibility. Witness did not want the specifications enforced verbatim, but approximately.

Commissioner Czarnecki offered the following resolution:

- 493 "I hereby renew my motion upon which action has been taken heretofore and now move that the attorney for this Board be required to present to this Board a legal opinion with reference to the financing of the purchase of the voting machine by this Board; the power of this Board to buy and the need of doing so in accordance with the law before deciding upon the question of purchasing."
- 494 "Mr. DENEEN. Q. Had the Board received any opinion

from the Counsel up to June 30th, 1911, on voting machines?

"A. I could not tell you.

"Q. Don't you know, Doctor, that it had not? A. No, sir, I do not.

"Q. What is your best judgment on that—your recollection? A. Mr. Mitchell had given us a vocal talk, long previous to that, giving a view of the statute, and he had made us an opinion, I think, in June, addressed to the Judge; now I cannot give the date, but some time, I think, in June, and that opinion was eventually sent down, as I understand it, from the court and was filed in our office."

Witness thinks that up to June 30th, 1911, the opinion was read, or a copy delivered, to each Commissioner.

"Mr. DENEEN. It does not appear in the minutes."

495 "Mr. McEWEN. I will agree that the opinion had not been delivered up to that time."

The witness is very confident that Mr. Mitchell's opinion, unwritten, had been talked over several times previous to that.

Probably Commissioner Czarnecki's motion for a legal opinion from counsel for the Board was not seconded.

Commissioner Czarnecki submitted the following motion:

"I hereby renew my motion upon which action had been taken some time ago, and now move this Board proceed to hold a conference with the City officials in charge of Chicago's finances, namely, the Mayor, City Treasurer, City Comptroller, Chairman of the Finance Committee, and the Corporation Counsel, as to the method of financing the purchasing of voting machines, before any action is taken definitely by this Board."

496 Witness' recollection is it was not considered.

"Mr. McEWEN. I submit he ought to read Commissioner Taylor's remarks."

Mr. Whittaker reads Commissioner Taylor's remarks as follows:

496-7 "Commissioner Taylor stated that the question of financing the purchase of voting machines was not necessary at this time, that there would be sufficient time for such conference, a conference, if one is deemed advisable or necessary, to be held some time in the future, before any contract is signed or entered into."

497 "Mr. DENEEN. 'Chief Clerk Stuart stated that there was no need of a delay for a conference and that a confer-

ence could be held later on.' 'Chairman Kellermann stated that he understood that a conference would be held in due course of time.' "

No such conference was ever held by the Board.

Later, in December, the Board authorized the Clerk to write a statement to the Mayor and the Council and the Finance Committee to the effect that a contract had been entered into, reciting it, and requesting the Council and the Finance Committee to make provision for payment. This was the only time any relation was created between the Board and the City Council.

Commissioner Czarnecki then made the following motion:

"I move that the Empire Voting Machine Company be ordered to produce before this Board a machine which will have the objections of weight, cumbersomeness, lack of restriction of inspections, the inability of the voter casting a straight party vote to see any indications as to the names of the candidates he voted for or against, of the absence of the party lever. the absence of any printed record of the counters before and after the voting takes place, the absence of a grand total of both straight and individual votes at the close of an election, and other imperfections, cured and corrected before the question of passing upon its merits or awarding a contract to that Company is resolved upon."

Witness does not think this motion received a second.

"A. I cannot tell you that. Probably there was a debate on it.

"Q. On a motion not seconded? A. A debate on the proposition.

"Mr. McEWEN. There was some statement made on the subject immediately following.

499 "Mr. DENEEN. On page 193 of minutes.

"Mr. McEWEN. Commissioner Taylor made some remarks and Commissioner Czarnecki, too.

"Mr. DENEEN. Let us see what it was he said:

"'Commissioner Taylor declared that the motion of Commissioner Czarnecki did not entirely state facts concerning the Empire voting machine, and that it should not be considered, because it was a move for delay.

"'Commissioner Czarnecki stated that the imperfections printed out in his motion were taken from the report of the three expert engineers and also included what he considered imperfections which are apparent to any

observer. He insisted that the Board pass the motion and that the imperfections of the machine as claimed by him be corrected before any action concerning the merits of the machine or the awarding of the contract be taken.

“ ‘Chairman Kellermann declared that he was going to act on the report and the opinion of the three experts appointed by the County Judge, which approves the Empire Voting Machine and that this report will be the basis of his action on the resolution of Commissioner Taylor.’ ”

500 Witness thinks that the action of the Board was that stated in the above minutes.

Commissioner Czarnecki then made the following motion:

“ ‘I move that before this Board takes any action upon the selection of any machine that we proceed at once to enforce Section ‘18’ of our own specifications, which provides that a public exhibition of all machines of bidders will be conducted by the Board of Election Commissioners at such times prior to the awarding of a bid, as the said Board may determine. At all such exhibitions, the bidder will be required to have present a person competent to demonstrate in every particular the operation of the machine offered in bid.’ ”

“ ‘Mr. DENEEN. Now I will read Section 18 of the specifications,—we have it here. Section 18 of the specifications reads as follows: ‘A public exhibition of all machines of bidders will be conducted by the Board of Election Commissioners at such times prior to the award of the bid as said Board may determine, at all such exhibitions the bidder shall be required to have present a person competent to demonstrate in every particular the operation of the machine offered in the bid.’ ”

Commissioner Czarnecki’s motion received no second.

501 Witness is asked why no public exhibition was held as provided for in the specification.

“ ‘A. Oh, we had had a public exhibition for from about the middle of March almost straight along. The provision as you call it, was taken from the old specification of the previous Board, and it had no practical, and fruitful end at all, if we had had a public exhibition in that sense and had gotten a few hundred people in here, they would have in no way represented the intelligence and the interest of Chicago, we could have invited the judges and clerks in, and they could not have had such a bid, with a skilled opinion as to the machine, and the education they might

have gotten would have been small. As a matter of fact, down in the old Rand-McNally building where we were located at that time before we came into the City Hall, we had a string of people there all day looking at the machines and talking and speculating and inquiring. According to my recollection pretty much all of the business hours of the day for weeks together."

502 "Q. You think that the intelligent persons would not have availed themselves of an opportunity to inspect the machines? A. I do not think that many of the intelligent people in Chicago would have done it."

The press had notified the public that the Commissioners were investigating voting machines and that the machines were located in the Election Commissioner's office and witness thinks one was at an hotel and pretty nearly all the people that could get around to the place to investigate machines were investigating them.

503 The witness does not recall that the City Club asked for an opportunity to investigate machines. The newspaper had given considerable notice to the voting machines.

"MR. DENEEN. Q. Here is an editorial from the Daily News of June 16th, 1911, fourteen days before; I will read it and see if you recall it, about giving a public exhibition.

" 'A small rubber band or small string arranged on the face of the machine can be placed upon the keys of three or four machines submitted in such a manner that voting for one or more candidates can be interfered with, unknown to the voters; upon three of the machines, an independent voter who desires to write in the name of his candidate cannot change his mind after he has the name of the candidate on the paper provided for the purpose. Only one of the machines has a device for a printing record showing the condition before election and the votes registered by the various candidates after election, the printed record that if there was a contest would be unquestioned as to the fact.' "

504 Witness thinks he read all those things as they came out.

The article did not impress upon the mind of the witness the necessity for public exhibition because "We were having a public exhibition all the time."

The witness heard testimony at the present hearing regarding what was called the "Knock Fest" or public competitive examination of machines conducted by the old

board, but has no recollection concerning such examination. Witness had read minutes of old board, but did not recall that point.

505 "A. I remember hearing that statement made here by a witness the other day and am doubtful about its accuracy."

After the experts had finished their work and the bids were opened, the machines were placed on the witness stand, and, out of the seven machines, six machine owners were directed to cross-examine the machine on the witness stand. "I was not present, but that was the testimony and may be entirely correct." This was a pretty severe test and would show deficiencies and efficiencies.

506 The witness thinks that in the examination of machines by the present Board, the men opposing them there, particularly Mr. Winslow, was making known pretty generally all of the deficiencies and faults of all the other machines and witness cannot see how he could have done it more effectually than he did.

"We were advised, I think, once or twice a day."

"Q. By protest? A. No, not by written protest, but circulating around, talking.

"Q. Didn't he file a written request for certified copies of the meeting and threaten to institute a suit against you? A. Yes, sir."

Witness thought that a public examination and inspection of machines would not be fruitful or any advantage to the Board. "They were doing all they could."

Witness recognized that "at the meeting of the City Club, July 18th, pretty much all of the well-informed capacity had been brought to fight all machines."

507 Witness left the meeting before it was over and does not recall that no representative of other voting machines was present or made a speech. Witness made a speech, also George C. Stykes. Witness thinks Mr. Stykes probably represented the Bureau of Public Efficiency.

Mr. Czarnecki made a speech; Professor Depuy, George M. Singleton, George Hooker and W. L. Abbott made speeches and witness made a reply.

Witness does not say that any one of these men represented the Winslow or International voting machine.

508 Mr. Abbott and Mr. Depuy were experts.

Mr. DENEEN. Q. Will you state whether or not the Em-

pire Company had an Empire machine on exhibition in the middle of March, 1911?

509 A. I think that was a Standard.

Q. The fact was they never had an Empire on exhibition until after your contract was let, isn't that the truth of it? A. No, there was an Empire examined by our board of experts,—an Empire machine, it was not a Standard, but an Empire. I want to make it plain, this explanation, so that there will be no misconstruction. The Stand-

509-513 ard and Empire, as I recall, are almost identical, belong to the same company, they use the same important parts, namely, the vedermeter and the strap mechanism by which the vedermeter is actuated. The only difference between them is that one had the lever, the Standard had a party lever and the Empire I think a key, and there was a device on the Standard, I don't recall whether the other had it or not, but when the voter had voted and swung his lever, there was a bell rang; that and one or two other parts, particulars, I don't recall now, constituted all the difference, something in the shape of the keys, too, the voting key on the keyboard, the machine was shaped somewhat differently than that on the Standard machine. Go on.

510 Q. The machine that was exhibited by the Empire Company was Serial No. 3592, made at Rochester, New York, wasn't it? A. Rochester.

Q. Rochester, not Jamestown? A. That one that was exhibited before our experts?

Q. Yes. A. I don't think so.

Q. You would not say it was not? A. No, I would not say. I thought it was an Empire.

Q. Wasn't it the identical machine rejected by the old board of experts? A. I don't know. I never heard anything about that.

Q. Just a minute, let me refresh your recollection on that, I will call your attention to an article that appeared in the Daily News.

Mr. McEwen. What is the number of the machine?

Mr. DENEEN. Number 3592 is the serial number. Here
510 it is, I have not the article but I have a synopsis of it, September 26th it appears.

A. Synopsis from what?

Mr. DENEEN. Daily News article, Daily News charges that the sample machine of the Empire Machine Company

on which the order was placed, Serial No. 3592, was made in Rochester, N. Y., by the United States Standard Com-
 511 pany and was the identical machine rejected by Judge Rinaker's experts.

A. In the experts' report the numbers of the two machines are given, Judge, can you look it up, that is 1911.

Mr. McEWEN. Which one do you want, 1910?

The WITNESS. 1911 the numbers of the machines that were examined by Abbott, Wooley and Chamberlain, I am very confident it was not that number.

Mr. McEWEN. I have not these reports here, they are on file.

Mr. DENEEN. It is copied in the minutes. It is page 186, I think, page 185 in our report, it is in the meeting of June 30th, the minutes of the board.

The CHAIRMAN. June 26th, pardon me.

Mr. DENEEN. June 26th.

Mr. McEWEN. What is the number on your report?

The CHAIRMAN. Page 185, signed by Abbott, Chamberlain and Wooley.

511 Mr. McEWEN. I don't think they give the number, I think that report is over in the office.

Mr. DENEEN. I think there is no number given.

Mr. McEWEN. I haven't the report here.

Mr. DENEEN. Doctor, will you say whether or not the Empire Machine Company had an Empire machine on
 512 exhibition from the middle of March straight along?

A. I think so, sir.

Q. Until June 30th, when this discussion occurred, and this motion was made? A. I would not say from the middle of March probably, that was a Standard machine and the Empire machine, however, if I recall it properly, was analyzed and passed upon by the experts who reported on June 3rd.

Q. That is, you say you think they did? A. I think so.

Sen. CANADAY. I did not catch his answer to that question, whether or not this was the same machine that was examined under Judge Rinaker.

Mr. DENEEN. Yes, will you answer that?

Sen. CANADAY. I don't know whether he answered it or not.

A. No, I never heard of that before, I never heard of that article, that was never called to my attention—

Sen. CANADAY. You don't know whether it was the same machine that was examined by the former commission?

A. I have not, I think not, I am almost sure—

Mr. DENEEN. Q. The fact is, you don't know the identical number of the machine that was examined there of the Empire, the Winslow, Triumph or any of the competing companies, do you?

513 A. All I remember is the numbering of the two machines, the Empire machines that were examined by our experts, and I think they ran up each of the numbers over four thousand.

Sen. CANADAY. Do you know why the secretary did not keep a record of the numbers, is there any reason why the numbers were not kept?

Mr. DENEEN. I don't believe that there was any record kept of the machines examined by the members.

Sen. CANADAY. Well, why didn't the secretary keep a record of the numbers?

Mr. DENEEN. He simply incorporated the report of the commissioners, the secretary did not examine them.

514 "The voting machines were examined by the experts in what we called the hidden room of the Election Commissioners' office and no one was permitted—"

No time was ever set for a public exhibition.

515 Witness thought that the Election Commission was in possession of every point of criticism that could be raised against any of the machines. The criticism that the experts had examined the wrong machine was a piece of information the Commission did not have, if it was true.

516 If true it would be a serious matter. The witness could not say that the Empire machine was exhibited while the people were strolling around the corridors.

The witness thinks that the Empire Machine Company did not exhibit to the Election Commission a 9-party, 70-key machine before December, 1911.

Here Mr. Whittaker read paragraph 18 from the specifications, as follows:

517 "A public exhibition of all machines of bidders will be conducted by the Board of Election Commissioners at such times prior to the award of the bid as said board may determine; at all such exhibitions the bidder shall be required to have present a person competent to demonstrate in every particular the operation of the machine offered in the bid."

519 "Q. Did you have a public exhibition of the machines, offered and bid, wherein each machine had its demon-

strator to exhibit the machine, and at a specified time and place, as provided for in Section 18 of the specifications?

"A. I don't think we had any arrangement of that sort.

"Commissioner Czarnecki then offered the following resolution:

519 & 520 "Whereas, the purchase of 1,000 voting machines involves the expenditures of a large sum of money; and

"Whereas, precedents recently established in connection with the expenditures of large sums of money by public bodies have been to submit the question of the making of such an expenditure to the vote of the people;

"Therefore, I move that this Board of Election Commissioners does hereby resolve to submit to the voters of the City of Chicago, at the very next election, the question of whether or not the Board of Election Commissioners shall proceed to expend the specific sum necessary for the purchase of 1,000 voting machines; and that pending this referendum, the Board withhold its definite action in the proposed purchase of voting machines."

Witness does not think that the motion was seconded, but that some remarks were made about it by himself and Mr. Mitchell.

"MR. DENEEN: Mr. Mitchell made the remark that it is illegal."

Mr. Taylor, the witness, then offered the following resolution at the meeting of the Board of Election Commissioners, at which Commissioner Czarnecki's last resolution had been offered:

"Commissioner Taylor moved that the adoption of the resolution which he had presented earlier in the meeting, with reference to the Board's favoring the Empire Voting Machine, and going ahead with the plan to purchase 1,000 machines be taken up for vote and disposition.

"The resolution of Commissioner Taylor was then re-read, and Commissioner Taylor formally moved its adoption.

"Chairman Kellermann seconded the motion of Commissioner Taylor, after which it was submitted to a vote.

"Commissioners Taylor and Kellermann voted 'aye,' and Commissioner Czarnecki voted 'nay.'

"The resolution to buy being adopted by a vote of two to one, Commissioner Czarnecki voting 'nay.'

"The WITNESS. That is a correct statement."

At the same meeting Commissioner Czarnecki thereupon offered the following resolution:

522 "I move, that in the light of the action regarding Commissioner Taylor's resolution yesterday, with reference to the Empire Voting Machine; and in view of the request made here today by the International, the Triumph and the Winslow Voting Machine Companies for the return of their checks deposited by them with their bids with this Board, which checks were made payable to Chas. H. Kellermann, it is hereby ordered by this Board that the Chairman be hereby ordered to return on Monday, July 3rd, the certified checks held by him from the International Voting Machine Company for \$54,000, and the Winslow Voting Machine Company for \$2,500, and a cashier's check from the Triumph Voting Machine Company for \$60,000, as set forth in the Board's proceedings of June 1st, 1911."

Mr. Deneen announced that he would have read, a statement from the Daily News of July 1st, 1911, to see whether it affected the mind of the witness before making the contract:

523 "July 1st. News. Men who have been busy in gambling and slot-machine devices have shown a vital interest in the activity to install voting machines in this city, and a former racetrack magnate of Chicago, and two racetrack men of California are among those interested in the Empire Company. While some friends of these men maintain that their interest is caused by their own investments, others declare that they are merely proxies for certain other Chicagoans reported to be interested in the voting devices."

"Q. Was that called to your attention, that article, that information? A. There were insinuations and malicious publications; I recognized this as one of them. It did not dare to give any names and be specific in their accusations."

The witness probably understood the article to insinuate that Mr. Condon was an owner of the Empire Company. Witness does not know that he knew it before;
524 it is only lately that the name has become familiar. Witness does not know and never saw Mr. Condon.

Previous to or about this time Commissioner Czarnecki had introduced resolutions requiring the bidders to reveal the names of their stockholders and directors. The motion was objected to by some of the voting machine men. Mr. Farrell and Mr. Barr, witness thinks, objected

to it as a business impertinence, a matter about which the Commission had no right to inquire.

"Mr. DENEEN. Q. The other alleged gambler referred to in that editorial was a Mr. Williams, of Oakland, California, who had been mixed up there in voting machine deals?"

525 "A. I have heard from the same reliable source that there is a man named Williams in California. I want to say that I have never heard of Mr. Williams before, never met him; never seen him; don't know him; and don't know that he is a stockholder."

"Q. I didn't charge that. Doctor, you knew that there was a general report here that a number of gamblers owned the Dean Machine, didn't you? It was a matter of common knowledge, wasn't it? A. No, sir, I don't know a thing about it, even up to this time; never heard it."

The Dean machine was one of the machines that was put in by the Empire Company.

526 The insinuation contained in the article appearing in the Daily News was not inquired into by the Board.

At the meeting of the Board of Commissioners, of July 1st, Mr. Winslow made the following protest:

This is July 1st (reading):

526-528 "Mr. L. R. Winslow for the Winslow Company, stated that he might prepare a written protest to be filed on Monday, with the Board. He desired to register a protest orally against the Board's action in passing Commissioner Taylor's resolution yesterday. Mr. Winslow stated that under the resolution, the Empire Voting Machine Company was given an advantage in that no limit of time was fixed for the construction of a model machine; that under the resolution, until further action of the Board, all other voting machine companies excepting the Empire Voting Machine Company, were excluded from participating in any contest for the installation of voting machines in Chicago, that the resolution directs the Empire Voting Machine Company to build a sample machine and to bring it to the Board in accordance with its plans and specifications; that this Board is ready to go ahead and give the Empire Company a contract for the purchase of 1,000 machines. There is no mention in the resolution with reference to giving them a fixed length of time so that if within that time they fail to produce the sample machine, other companies would then have the right to submit propositions to this Board.

“Mr. Winslow declared that the report of the experts upon his machine was unfair, libelous, and not based upon a thorough and impartial inquiry, that the Board of experts did not devote sufficient time or make a long enough examination to know what the Winslow or any other machine really was. He charges that the experts’ report was made for the special benefit of the Empire Voting Machine Company.

“Commissioner Taylor stated that the resolution gave the Empire Voting Machine Company no legal right and special benefit; that it was a notice that the Board was ready to enter into the contract upon the production of a sample machine of a proper character that if the Empire Voting Machine Company does not comply within a reasonable length of time with this notice, that the Board will consider that everything is off and that everything will then commence anew.”

The protest was received, but witness does not recall that it was given any consideration.

537 Witness does not recall the date when the Commission first learned that the International’s check had been cashed and placed to the individual account of one of the members of the Election Commission. After it was learned, the witness took up the matter with Mr. Kellermann, and at a subsequent meeting of the Board, a motion was made directing Mr. Kellermann to redeposit the check so that the three members of the Board would have to sign in order to make it effective.

Witness did not make any inquiry as to the charge that the blue-prints, photographs, statements and drawings of the bidders had not been opened by the experts. He thought it was trivial.

The specifications required the companies to present blue-prints, photographs, and so forth, with their bids. This was taken from the old specification.

538 The witness cannot understand “How an expert, or even a non-expert, would want to puzzle over a blue-print when he had the machine right before him. Very much easier perceived and understood than a wilderness of blue and white tracing.”

The witness is informed the International representative claimed “They spent \$750 getting up blue-prints, photographs and drawings.”

Witness is asked why, assuming such expenditure

they required bidders to go to so much expense on useless matters, as he deemed them.

“A. I don’t believe it would have cost \$100. I believe that a statement like all those embittered protests—”

539 Witness does not know what it cost bidders to prepare photographs, drawings, and printed statements as required in the specifications. Does not know what it cost the International but would not think \$100. Witness has some knowledge of blue-prints; witness saw the blue-prints, there was a roll of them, six or seven. Witness
540 glanced at the end but did not open them. Does not think that an estimate of \$750 is anywhere near right.

Witness does not think that blue-prints, drawings and photographs would be of any advantage to mechanical experts in examining machines. Thinks that the parts of the machine would be a hundredfold more useful and informing than any blue-prints.

The witness does not know whether the protest filed by the International Company requested an opportunity to present statements regarding the cost of blue-prints or regarding the failure to have a public exhibition under Section 18 of the specifications. “The statement made in the International’s protest, that no such meeting was ever held, is not true, or depends on what you would determine would be a public meeting. If it means a specified hour and a specified place and a specific notice and an orderly assembly, no such meeting was held. If it means an assembling of the people representing all parties and classes and grades coming continuously, and as there could be accommodations, looking at the machines and watching its operation, then we did have one.”

VOLUME VII.

Morning Session.

Friday, July 25, 1913.

544 Dr. HOWARD S. TAYLOR resumes the stand:

Witness refers to a Daily News article charging that the machine examined by the Election Commissioners in the Spring of 1911, was the same machine which had been examined and rejected by the previous Board, and says:

“I stated that it was my clear recollection that the

machine examined by the experts in June, 1911, was an Empire machine, and was not a Standard machine that had been previously examined and rejected by the old Board, and that, according to my recollection, the number of the machine examined by the experts was something over four thousand.

545 "I now recall that those machines were examined by the State Voting Machine Commissioners, and that their reports give the number and kind of machine. The reports of the Commissioners have been read into the minutes of this inquiry, as I understand, and I would like to name the numbers and kinds of machines from these reports.

"Mr. DENEEN. Very well.

"A. The first of the reports of the State Voting Machine Commissioners I read from the certified copy of the reports hitherto read into the minutes, the initial words of the certificate say, 'I, James A. Rose, Secretary of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of the report of the Illinois State Voting Machine Commission, relating to Empire Voting Machine No. 4071,' filed March 21st, 1911, and the initial paragraph in the report itself is: 'The undersigned, constituting the Illinois Voting Machine Commission appointed under the laws of 1903, hereby certify that on the 20th day of March, 1911, we examined Empire Voting Machine No. 4071, submitted by the Empire Voting Machine Company of Jamestown, New York, and report as follows:' I don't know as it will be necessary to read the remainder of the report."

546 The name, the number, and date of the examination of the other machines examined by the State Board of Voting Machine Commissioners was December 21, 1911, No. 4362, submitted by the Empire Voting Machine Company of Jamestown, New York.

"Q. The question yesterday was asked as to whether or not the experts or commission of experts of Judge Owens examined these machines, wasn't it? A. Yes, sir.

"Q. Nothing was then said about the State experts?

"A. Well, I don't recall that, my impression—"

547 "Q. So that these corrections, the attempted corrections you make, do not apply to anything that was said yesterday? A. Yes, I think they do.

"Q. In what way? A. They proved the machine that was on exhibition here early in the spring, in February, was an Empire machine, and I think that the necessary

inference is that that was the machine that was examined by the experts."

- 548 The witness saw the machine quite a number of times. The witness' recollection is that the machine was not on exhibition April 4th at the spring election.

Witness recalls that he made a motion that 16 United States Standard machines be placed on exhibition, but cannot say whether any Empire machine was at the polls on April 4th, 1911.

Witness' recollection is that there was an Empire machine examined by the experts of the old Board and reported upon.

- 549 The witness thinks the Empire machine examined by the old Board was not a 9-party x 70-key machine, but a 9-party, 50-key machine. "My recollection is that they never produced a 9, 70, until the fall of 1911. I am not—I could not be positive about that." "I do not know."

The witness thinks that the machine examined by the State Board on March 20th, was a 9, 50 machine. The State Board certificate does not show this.

- 550 Mr. Deneen reads paragraph 7 of the State Board certificate as follows:

"It has the capacity to contain the tickets of 9 political parties with the names of all candidates thereon, together with all other propositions to be voted on, except that it is so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot label in each party column, or row, shall contain only the words "Presidential Electors" preceded by the party name, each vote registered for said ballot label to be counted as a vote for each of such party candidates for presidential electors."

The certificate says nothing about 70 keys.

- 551 The experts employed by Judge Owens were not appointed by Judge Owens until June.

The witness has refreshed his recollection since yesterday and says it was an Empire machine Judge Owens' experts examined. Witness thinks that they so certified.

- 552-3 As to the number of keys and kind of machines certificate will speak for itself.

- 553-4 Witness infers from the fact that the State Board of voting machine commissioners examined an Empire machine in March, that Judge Owens' experts examined the same machine in June. Witness also has an independent recollection that the machine that was under investiga-

tion and discussion for weeks by the board and which was installed in the Rand-McNally building was an Empire machine.

555 Witness thinks that the probability is very strong that the machine examined in March by the State Board of Voting Machine Commissioners remained until June and was examined by Judge Owens' experts.

Witness thinks that the machine examined by the State Board and by Judge Owens' experts was a 9-party, 50-key machine.

Witness thinks that the Election Commission experts did not examine any other kind of machine for the Empire Company before July 21st, 1911, and that witness didn't see any machine submitted by the Empire Company other than a 9-party, 50-key machine.

556 The 9-party, 70-key machine was submitted by the Empire Company some time after the signing of the contract, witness thinks "well into the fall."

"Mr. DENEEN. Q. December 18th, 1911, at the Sherman House?

"A. Oh, it might have been here some weeks before that, I cannot tell, but it was after the signing of the contract."

Witness cannot say whether between June 1st and July 21st, 1911, he saw the 9-party, 50-key machine from the Empire Company; that it was in possession of the board. His recollection is that "After the examination the machine remained in the City Hall here for some time, how long I do not know."

"Q. Will you say that you saw the Empire machine that your board of experts recommended to you and upon which the contract was made, before the contract was made? A. Why, yes; we saw the one that was installed at the Rand-McNally building.

"Q. The one they recommended to you, your own experts; did you see that machine? A. The one they reported on?

"Q. The one they reported on, then. Did you see it? A. Why, yes, sir, many times.

"Q. Now, was that a 9-party, 50-key machine? A. That is my recollection.

"Q. Now, you say the number was what on that machine? A. I would have to refer you to the certificate there; we have had that just now.

557-559 "Q. Oh, no. What you saw; not what the State

Commissioners saw. A. I have no recollection of it myself.

"Q. The State certifies to what they examined, but you have no recollection? A. No.

"Q. Did you examine the plate on it showing where it was made, this 9-party, 50-key machine? A. I don't think I did, sir.

"Q. Was not the serial number under 4000 on that machine you saw, that 9-party, 50-key machine? A. I could not tell you of my own recollection.

"Q. Was not the plate on it—did not the plate on it contain the statement, 'Made at Rochester, New York'? A. I don't recollect at all; I don't think that I ever looked at the plate.

"Q. Or the number? A. Or the number.

"Q. So your correction as to the number stated yesterday refers to what the State Voting Commission saw? Not what you saw, or your board saw? A. No, that is not the correct statement.

"Q. State it correctly, then. A. I have a very strong recollection that we had an Empire machine installed probably in the early part of March; it might have been in February; at the Rand-McNally building; that it remained there for weeks and that a great many people examined it; and that I frequently examined it; and that it was an Empire machine; and that that was the machine that was eventually presented here in June for the examination of the county experts. That is my recollection.

"Q. And that was the sample machine upon which the contract was awarded? A. Yes, sir.

"Q. And that was the only one you saw until December? A. Oh, there was a number; I would not say that we got—they had not Empire machines, as I recall it, sufficiently built for this voting machine test that we intended to have at the polls. They supplied United States Standard Machines, of which, as I recall it, there were 16 in number, which, as I testified the other day, are almost identical with the Empire machine. I think there were 16 of them; but there was an Empire machine here on examination, I feel sure of that.

"Q. And that was the one upon which you based your judgment and made the contract? A. We based it on the judgment of the experts.

"Q. On that machine? A. On that machine.

"Q. Fifty-key, 9-party machine? A. Yes, sir.

“Q. You don’t remember where it was made, or its number? A. I don’t remember from the machine itself.

“Q. That is what I thought. When you state, ‘We examined it nearly every day,’ I notice you go back to that, you did not mean that the machine was discussed or examined by the board officially? That means you and Mr. Kellermann, or you and Mr. Stuart? A. Mr. Czarnecki, and every one.

“Q. In the board meetings, while you were together officially? A. No.

“Q. While you were with Mr. Czarnecki? A. It was standing in a room adjoining the Commissioner’s room and frequently, sometimes two or three times a day, we were out there looking at it. I say ‘we,’ I could not say precisely, but it was a great many people coming and going and the machine men were demonstrating, explaining it, and that continued for a great many days.”

561 Witness made a motion that 16 United States Standard machines be placed in different polling booths at the spring election, 1911. He did not make the motion after consultation with the Empire Company and did not consult with the company about anything first nor last. Mr. Barr, agent for the Empire Company, had suggested, “I heard from the clerk, or someone else,” that the Empire Company could not supply a sufficient number of machines in time to demonstrate and it was suggested that the company could supply United States Standard machines. Witness thought it would be well to use them to educate the people and make the sentiment favorable to them.

562 The witness does not think the Election Commission had a Standard machine on exhibition, at the Rand-McNally building. Thinks the Empire machine was at the Rand-McNally building in February and that there was a demonstrator there every day. The Empire machine at the Rand-McNally building was not used at the polls, probably because the Election Commissioners were examining it. Witness does not remember what the reason was.

563 The witness has found since yesterday, and produces a letter of the American Voting Machine Company. Witness did testify that this company had asked for a continuance and that he had seen a letter of this import in the minutes. The letter is read by witness as follows:

Letter addressed to Isaac N. Powell, clerk, Chicago, Illi-

nois: "Dear Sir: I am writing to inquire if the Board of Election Commissioners have closed the contract with any voting machine company for furnishing voting machines for the City of Chicago. I received the printed specifications for bids on the contract, but was not able at this time to demonstrate my machine. I enclose herein prospectus of the American Standard Voting Machine, 563-4 patented and manufactured by myself, which I ask you to get before the board for examination. This machine has been exhibited in competition with every voting machine on the market today, but after a thorough examination and test of the different machines, the City of Topeka awarded their contract for 25 machines to the American Standard. The prospectus shows a machine having only 50 keys, but it may be manufactured with as high as 100 keys. The cumulative is not shown in the prospectus also, but if this machine proved satisfactory to the City of Chicago the machine can be manufactured for cumulative. I would be glad to know if Chicago is still in the market for voting machines, and if so I would be glad to take the matter up with the board. Please let me hear from you in regard to this.

Yours very truly,

(Signed) J. P. PAINTER."

Witness also reads from the minutes as follows:

564 "The Board of Directors of the Board of Election informed the American Standard Voting Machine Company, per Mr. Painter, that no contract had as yet been awarded by the board for the purchase of voting machines in this city, and that the examination of voting machines as provided for in the specifications, issued by the board January 15, 1909, was in progress, and that it would probably be two weeks before the same would be completed, and that the board was willing to investigate any voting machine that might be submitted for its attention at its offices, 160 Adams street, Chicago, Illinois."

Witness thinks the American Voting Machine letter equivalent to a request for delay.

566 Mr. Whittaker read from the minutes of the meeting of July 3d, letter addressed to the Board of Election Commissioners by L. R. Winslow as follows:

"To the Honorable Board of Election Commissioners of the City of Chicago, Ills.

"Gentlemen:—

566-569 "The undersigned, The Winslow Voting Machine Co., being a bidder for the contract of supplying voting

machines to the board according to specifications issued by the board on April 27th, 1911, hereby enters a protest against the action of said board on June 30th, 1911, in adopting the Empire Voting Machine for the following reasons:

"1st. The machine adopted was not a legal machine under the laws of the State of Illinois. John E. Owens, and the members of this board knew at the time of adoption that said machine was not a legal machine and could not be legally purchased.

"2nd. Said action was taken behind closed doors and all competing voting machine men were excluded from the meeting of the board when said action was taken.

"3rd. John E. Owens, County Judge, who has dictated the adoption of the Empire machine, has never even looked at or examined the Winslow machine which has been in your office continually since the latter part of 566 March, 1911, and we are reliably informed that he has never examined any other machine which was competing with the Empire for this contract.

"4th. In making this selection John E. Owens has apparently relied solely upon the opinion of the three so-called experts who devoted less than three hours to the examination of the Empire machine. Said experts, we are reliably informed, have had no former experience whatever with voting machine construction, and their report made to Judge Owens clearly proves their utter incompetency and lack of knowledge on the subject upon which they endeavor to pass judgment.

"5th. The report of these so-called experts, W. L. Abbott, Paul M. Chamberlain and William Wooley, made to Judge Owens, is filled out with contradictions from beginning to end, and is, we believe, purposely drawn to injure competing machine concerns except the Empire. It is a libelous document calculated to work untold injury to the business of the Winslow Voting Machine Company and to the reputation of its product, and we hereby demand that the said report be publicly condemned and rejected by the board as being worthless and unworthy of any consideration.

567 "6th. The Winslow Voting Machine Company's representative was required by the board to be present at the offices of the board daily for a period of approximately one month for the purpose of permitting the board to make an examination of our machines. Only one machine,

that of the International Company, was so examined, that examination covering a period of about two weeks time, when suddenly for some yet unexplained cause the Board, in a meeting in which our representatives were denied admittance, adopted the Empire Voting Machine, without any examination whatever being made by the board of our machine.

"Throughout this entire contest all common rules of fairness, honesty and decency have been abolished by the judge of the County Court, the Board of Election Commissioners and the Chief Clerk of the board.

"7th. The Empire machine was adopted by the board without any tests being made to ascertain its adaptability to Chicago elections, and without the knowledge that the Empire machines have absolutely failed to work, and had to be taken out of recent elections in Indiana.

"8th. The resolution passed by the board at said meeting declares that 'Whereas, voting machines have been tested in voting at actual election in 1904, 1905, 1907 and 1911, with highly satisfactory results,' this is very misleading inasmuch as the Empire machine has never been used in a Chicago election. The Empire Company when
568
569 given an opportunity by this board to place machines in the Chicago election April, 1911, refused to install Empire Voting Machines but placed 16 U. S. Standard Machines in said election.

"9th. Section 18 of the specifications issued by the board requires a public demonstration of all machines prior to award bid; this section was absolutely ignored by the board and a public demonstration was refused our representative when demanded of the board.

"10th. Other sections of the specifications too numerous to mention, together with the laws of the State of Illinois, not having been complied with, render the action of the board illegal in adopting the Empire machines.

"For the foregoing reasons, the undersigned respectfully demands that the board rescind the action taken at the meetings of the board, held June 30th, relating to the adoption or purchase, or contracting for voting machines.

"Respectfully,

"THE WINSLOW VOTING MACHINE COMPANY,

"(Signed) L. R. WINSLOW, Manager.

"Chicago, Ill., June 13, 1911."

570 The Winslow protest was submitted to the board and witness made a motion to file it, and then he included in

his motion that the protest was false and libelous to Judge Owens and that it should not be put in the minutes, but crawled in. It was put in the minutes by the secretary.

571 The board paid no attention to the protest.

From the minutes of the same meeting, July 3d, of the Election Commissioners, the following communication of the International Voting Machine Company was then read:

“To the Honorable Board of Election Commissioners, Chicago, Illinois.

571-574 “Gentlemen: Whereas, the International Voting Machine Company, acting in good faith, placed with this board a bid for voting machines for the City of Chicago in accordance with the advertisements and specifications issued by your Honorable Board, and

571 “Whereas, in order to make such bid we were compelled to deposit with the chairman of this board a certified check for five per cent. (5%) of the amount of the bid, which in our case was fifty-four thousand dollars (\$54,000), and to prepare, at great labor and expense, blue prints and drawings showing every part of our machine, together with photographs, and printed instructions and arguments in favor of the International machine, and

“Whereas, the chairman of the board did not turn this certified check over to the Election Board nor deposit it with the Comptroller of the City of Chicago, as he had informed the Treasurer, but did on the contrary, cash the check and place the money in his own private banking account, where he had the privilege of using it for his own personal purposes at any time he saw fit, without so much as consulting the other members of the Board of Election Commissioners, to say nothing of the owners of the money, who were thus in continual danger of losing the entire amount, and

573 “Whereas, it has developed that the drawings, photographs and blue prints which were prepared by us at a great expense for the supposed enlightenment of the mechanical experts of this board, were never opened nor examined by the members of this board nor by their mechanical experts but were returned to us in the original packages with the seals unbroken, thereby revealing an evidence of bad faith, and

“Whereas, the mechanical experts selected to examine the machine, made a most superficial examination of the International Voting Machine, and in their report to this

573 board made statement relative to the machines which are inconsistent, misleading and false, thereby working untold injury to the good name of the product which has cost this company thirteen years of persistent effort, and almost \$400,000 in cash, and

“Whereas, this board apparently accepted the statements of the said experts at their face value, and concurring in that report, published these false statements to the world, and further proceeded to purchase voting machines for the City of Chicago in accordance with the recommendations of the experts, and without giving us a chance to be heard, although our attorney demanded such a hearing on the day that the action was taken, and was faithfully promised such a hearing by the Judge of the County Court of Cook County, under whose instruction this board is supposed to be acting, and also by Commissioner Taylor, who agreed to notify our attorney over the phone before any action was taken, which notices he neglected to give, and

“Whereas, the specifications issued by this board under the date of April 27th, 1911, made provision for a public hearing and exhibition of all voting machines submitted to this board, which exhibition was never held, and

574 “Whereas, the International Voting Machine Company believes that the action of the experts and of the board itself has wrought untold injury and financial loss to said International Voting Machine Company,

“Therefore, we demand that the board rescind such action as has already been taken, reopen the case, and give us an opportunity for a full and complete public hearing in answer to the report of the experts, and we notify the members of this board that unless such action is taken, we will be compelled to go into court to protect our own good name and property interests.

“INTERNATIONAL VOTING MACHINE COMPANY,

“ROBT. E. PETRIE, (Signed)

“President.

“E. R. KELLY, (Signed)

“Secretary.”

575 On motion of witness the letter was filed and received no other consideration. The witness thinks probably Mr. Hall of the International Machine Company was present when the letter was presented.

The witness cannot say whether Mr. Hall then made a statement that the seals on their package of blue-prints,

drawings, photographs and specifications had not been broken open and that the package had not been opened. Does not know the fact that the package had not been opened.

Witness cannot recall whether the seals on the Triumph package of blue-prints and so forth were broken or on those of any machine. These packages were turned over to the experts.

576 "Mr. DENEEN. Q. Let me refresh your recollection. On July 1st, after the protest had been made—is this a proper recital of your attitude? In the minutes, Commissioner Taylor stated 'that the resolution which you had made for the award to the Empire Machine Company, gave the Empire Company no legal right and special benefit; that it was a notice that the board was ready to enter into the question upon the production of a sample machine of a proper character; that if the Empire Voting Machine Company does not comply within a reasonable length of time with this notice, that the board will consider that everything is off and that everything will then commence anew'?

"A. Yes, sir, I think that is correct.

"Q. Then the further recital: 'We have given them nothing except the notice that we are ready to go ahead when they furnish the sample which meets our requirements'? A. Yes, I think that is correct."

577 The following statement was then read from page 211 of the Election Commissioners' report of meeting of July 1st:

"I hereby move that the action of the board on last Friday in adopting by a majority vote the resolution of Commissioner Taylor's with reference to notifying the Empire Voting Machine Company that its machine is preferred and that the board is ready to enter into a formal contract when the sample machine is found to be in accordance with the requirements and specifications, be and is hereby rescinded so that the three companies complaining and protesting have opportunity to reply to the experts' report; and that the entire subject matter may be reopened and begun anew.

"I move that we rescind the board's action of last Friday upon the voting machines and that we now enter the reopening of the whole proposition of voting machines."

578 This motion was made; the witness cannot say whether it was discussed, but it received no second.

The following motion made by Commissioner Czarnecki at the same meeting, July 3d, was then read into the record:

"Resolved, that the time limit for the delivery by the Empire Voting Machine Company to this board of the sample machine of nine party columns, containing 70 names in each column, and containing keys for voting upon 12 propositions, be and it is hereby fixed for October 3d, 1911, on or before which date said sample machine is to be submitted and delivered."

The motion was made, but the witness cannot say without looking whether it was carried unanimously.

579 The witness does not know.

The following motion was then made at the same meeting by Commissioner Czarnecki, and was read into the record:

"I move that the failure on the part of the Empire Voting Machine Company on or before October 3rd, 1911, to deliver the sample machine be hereby declared to be sufficient notice per se, that all negotiations between the company and this board are at an end and that an entirely new deal with reference to voting machines must be entered into."

The witness examines the minutes and says: "I think that is correct." Witness thinks the motion did not receive a second.

The following motion made by Commissioner Czarnecki was read into the record:

580 "I move that the final test upon the sample machine be hereby declared to be the binding test, and that it will be a test by the experts, by the public, by this board and by civic bodies, and further, that the final test will determine whether or not any installments of the Empire Voting Machine is to be purchased, and that this motion be hereby declared and ordered to take precedence over any action by this board heretofore, which might be understood in any wise as inconsistent with this motion."

Witness thinks the motion was made and that it did not receive a second.

The witness cannot recall whether Mr. Winslow at that meeting of the board asked the Election Commissioners whether or not a public examination had been held in compliance with Number 18 of the specifications.

The following motion by Commissioner Czarnecki at the same meeting was then read into the record:

580-1 "I move that this board hereby require the Empire Voting Machine Company to deposit in cash or certified checks with this board, the sum of \$25,000 to guarantee the production of its sample machine of nine party columns and 70 keys in each column by October 3, 1911, as an evidence of good faith, and that said \$25,000 shall be forfeited and turned over to the City Treasurer as damages to the City and as a compensation or bonus for the exclusive right exercised from this date until October 3, 1911, by the Empire Voting Machine Company in barring other machines and other voting machines from sending their devices to the Board of Election Commissioners of the City of Chicago or from installing their devices in the City of Chicago for use at elections and primaries; that upon the delivery of the sample machine within the specified time, the \$25,000 deposited in accordance with this motion is to be returned to the Empire Voting Machine Company."

The witness thinks the motion was made and received no second.

581 "Q. Now, if you will look at page 214 (of minutes), the question was whether Mr. Winslow asked the board, or Mr. Kellermann, who was present at the board, if he knew of any public examination held under Section 18 of the specifications. A. Yes, sir.

582 "Q. I will ask that question in regard to the minutes? A. Yes, sir.

"Q. Didn't Mr. Kellerman, president of the board, reply, 'I know of none'? A. Yes, sir."

The witness also stated at said meeting of the Board of Election Commissioners, as follows:

"Commissioner TAYLOR. Mr. Winslow, the members of the board have made a satisfactory and exhaustive examination of these machines. So far as public examinations were concerned, the public have had opportunity at elections in the past years to get acquainted with voting machines and anyone applying for an opportunity to examine the machines was afforded that opportunity without question by this board or the Chief Clerk."

583 Mr. Winslow asked how much time had been spent in making an exhaustive examination of this machine. Witness replied three or four days, and when Mr. Winslow called his attention to the fact that he was out of town the first two or three days the witness said that he (the wit-

ness) had delegated Mr. Kelly to act as his proxy. Mr. Kelly is Assistant Chief Clerk.

583-4 "A. One moment, let me answer that fully; in a discussion, which will be found in the minutes, among the voting machine agents, in which they were all recorded, I believe, as present, and after much conference and determination as to how the expert examination should be conducted, I finally introduced a resolution, that the experts appointed by the County Court, the members of the board, and in case of the necessary absence of any member of the board, a proxy appointed by him should have admission to that room, it was eventually—it was objected that the proxy ought not to be some possible hostile agent opposed to the machine that was on examination, and finally I suggested, or Mr. Kellermann, I have forgotten, that it should be some unprejudiced person, should be an employe of the office who would report to the absent commissioner what was said or what was done about the machine. I was called away to Indiana by the sickness of my sister and I was gone three or four days necessarily; during that time I asked Mr. Kelly to represent me in the room and take notes of anything he thought was important in the way of a discovery of any of the machines, a discovery of any weakness, and to make a note of it, and I asked him to call my attention to it when I got back."

Witness thinks the Winslow statement, "like most of Mr. Winslow's statements," tended to make out a case. Witness had been going over the Winslow machine in the
585 Rand-McNally building a great many times and knew a great deal about it and what the experts thought about it. Mr. Winslow's demonstrators were demonstrating his machine there.

"Q. Who was demonstrating his machine to show up the weak spots? A. I don't know that anyone was but the experts. The experts, under our arrangement appointed by Judge Owens, had the machines in what we called the 'hearing room,' the particular agent of the machine being examined at the time was present, whoever it was; if it was Winslow's machine, Winslow would be there; and then the Chief Clerk and the attorney and members of the board, and in the case of the absence a proxy of the board, those were the persons present in the room during the examination."

586 The witness does not recall that Mr. Kelly made any report regarding what he observed as proxy for the wit-

ness. He might have made a verbal one. Nothing particular developed.

“Mr. McEWEN (reading from minutes). ‘Commissioner Taylor (addressing Mr. Kelly): Were you present, Mr. Kelly, during my absence from the city, at the examination of the machine by the expert? Mr. Kelly replying declared that he was.’” “‘Mr. Winslow: Commissioner
587 Taylor, were you and Mr. Kelly both present at the examination together? Commissioner Taylor: I think not.’”

At the same meeting the minutes state that Mr. Hall made the following statement to the Election Commissioners:

“I wish to state that there was no public examination of the machines in accordance with the specifications. Further, that the experts did not go thoroughly into the mechanism of our machine. That they did not spend sufficient time to know the things in its favor or its shortcomings, and that while all the other voting machine men were examined on the Sunday when the experts completed their examinations, no one of our company was notified to be present and no one of our company was on that day examined by those experts. In speaking plainly, the examination was not only unfair, to us, but the report was libelous and incorrect and we shall endeavor to show it up in its proper form in court.”

The witness thinks Mr. Hall made the statement.
588 After Mr. Hall’s statement the Election Commissioners’ minutes show Mr. Kellermann made the following statement:

“Commissioner Kellermann stated for the information of the voting machine men that in voting for Commissioner Taylor’s motion he did so upon the findings and recommendations of the three experts appointed by Judge Owens, that it was this report of experts which guided him.”

Witness thinks this is correct.

Witness based his attitude upon the findings of the expert and his own personal examination of the machines; had been examining the voting machine subject for ten years.

590 The following communication addressed by the commission of experts appointed by Judge Owens, to Judge Owens, was then read into the record:

"Hon. John E. Owens,
Judge of the County Court,
590-592 County Building, Chicago, Ill.

"Sir:—

"Your commission of experts which formerly inspected and reported on the four voting machines for which the Board of Election Commissioners received bids, having since examined a 70-key, 9-party machine built by the Empire Voting Machine Company, and finds as follows:

"The 70-key, 9-party machine differs from the 50-key, 7-party machine in the following particulars:

"The 70-key, 9-party machines are provided with a releasing lever attachment which must be thrown before it is possible to operate the individual candidate keys.

"The 50-key, 7-party Empire Voting Machine formerly examined did not have this releasing lever attachment and we are told that the 70-key, 9-party machine the Empire Voting Machine Company proposes to furnish will not have this attachment, which attachment your commission considers undesirable.

"In the 70-key, 9-party machine the provision for independent voting by written ballots on the paper roll is identical with the arrangement on the 50-key, 7-party machines, except that in the 70-key, 9-party machine the slots in the casing through which the voter obtains access to the paper roll are one-half inch shorter than they are in the 50-key, 7-party machine; also the shaft on which the roll of paper is carried is provided with a releasing attachment so that when the machine is used for exhibition purposes, the roll may be disconnected.

"Your commission recommends that slots of ample length for independent voting be provided and that the releasing attachment on the shaft which carries the paper roll be omitted; thus making the design of the 70-key, 9-party machine conform in this respect to the design of the 50-key, 7-party machine, formerly examined.

"Your commission finds that the mechanical principles of the Empire Voting Machine are applicable to a machine of 70-key, or of 100 keys, or of double that number.

"Your commission did not have facilities for weighing the machine and therefore is unable to state of its own knowledge what the weight actually is.

"Respectfully submitted,

(Signed) W. L. ABBOTT,
PAUL M. CHAMBERLAIN,
WILLIAM WOLLEY."

The minutes do not show the date of this letter, but it was considered before the meeting of July 21st. The witness wishes to correct his previous statement, "That the 9-party, 70-key machine was not produced until some time
593 along in the fall." That was evidently an error of recollection.

594 The report on the 70-key machine must have been made previous to July 21st and some time before the contract was signed on July 25th.

595 "Q. Let us see if I cannot make the confusion worse confounded: I call your attention to the fourth paragraph of this letter: 'The 50-key, 7-party Empire Voting Machine, etc.' This says, 'The one they propose to submit'; they had not submitted it, had they? So you have to change— A. I may be—I am not at all sure."

Chief Clerk Stuart said that he would bring in the letter of the experts to Judge Owens.

596 The following motion made by Commissioner Czarnecki at the meeting at which the letter was submitted to the board was then read into the record:

"Whereas, a sample machine submitted is not the sample of the device which the Empire Voting Machine Company proposes to furnish to this board as indicated by the report of W. L. Abbott, Paul M. Chamberlain, and Wm. Wooley today, but contains a releasing lever which the machine formerly submitted did not have and which releasing lever upon the sample machine submitted the three experts consider to be undesirable; and further, the experts themselves point out that the present slots for independent voting are not of sufficient size. Therefore, be it

"Resolved, by this board, that in view of the fact that the Empire Voting Machine Company still has nearly more than two months' time within which to submit the sample machine of the identical construction that the company proposes to furnish to the Board of Election Commissioners that this board here defers any further action in the premises until the device which the Empire Voting Machine Company proposes to furnish is actually submitted to the board.

"Submitted by Anthony Czarnecki."

"Friday, July 21st, 1911."

This motion was made and received no second.

"Q. Why was it you were unwilling to wait until you had a sample machine by which all other machines should be

597 judged before you would enter into a contract with him?

A. The reason was that we had provided in the contract that unless they produced a machine of that kind and that capacity and character, why, we would not proceed with the contract, that was a condition precedent, and to have waited until the machine was actually produced with the doubt and uncertainty that would have been resultant in the mind of the company might have greatly delayed the actual purchase and installation of the machines which we contemplated running over a period of two years and six months and would about carry us through the term of Judge Owens.

“Q. Doctor, did you think it was more of a businesslike policy to have the doubt and uncertainty discussed after you had made a contract, or to have the doubt and uncertainty cleared up before you entered into a contract with the voting machine company? A. If the contract was sufficiently guarded so as to impose no obligation upon the board until that condition precedent had been thoroughly fulfilled I considered there was no peril about it. That was the understanding, that they were to produce the 70-key machine here which would be examined by the same experts and submitted to the board and that we were not—if they were not able to complete the agreement, what they had agreed to produce, why, everything would be off.

Q. And the purport of the resolution of Commissioner Czarnecki would be to have them produce the identical machine before, so that if any doubts arose there would be no grounds for litigation or doubt by the board? A. Yes, I think so.

Mr. McEWEN. May I suggest that the remarks of Commissioner Taylor immediately following be read? I would like to have them read.

Mr. DENEEN. I think the Judge meant all right.

Mr. McEWEN. You have cross-examined him on them.

Mr. DENEEN. I have not finished, he is giving other reasons than are in the report, I want to see if they agree.

598 That is why I examined him. We will have it now if you want it, I think it is all right, it is not very important.

Mr. McEWEN. I did not intend to interfere, I waited until I thought you were entirely through on the subject; I wanted to put it in so as to save me the trouble of putting it in.

Mr. DENEEN. I was going to put it in after he gave his reasons in this connection. I will read it:

"Commissioner TAYLOR. I wish to make a motion and preface it with this remark: 'The two express exceptions noted by the experts in which the new 70-key machine differs from the old type were examined by me very early yesterday morning, as soon as I came to know of it. I conferred with the experts and with the machine men about it and I am satisfied that the two differences are immaterial in their nature, can be easily removed without in any way affecting the value and practicability of the machine, and I ask our attorney to incorporate in the purchase contract conditions to that effect, in other words, the consensus of that is that the finished machine shall be exactly identical with the one submitted except that it will contain instead of 50 keys, 70 keys and instead of 7 party columns, 9 party columns. The provision has been put in the proposed contract.' "

599 That is what you said?

A. Probably, I think that is right.

Q. So you had a machine before you of 7 party columns, 50 keys? A. Yes.

Q. You thought it was better to put that in the contract and sign the contract then than to go on with all the doubts, uncertainties and disagreements between the board and the parties, and have those all cleared up, before you went into any legal obligation that might bring no end of trouble to you, lawsuits and otherwise? A. I thought then, it is my recollection now that I was perfectly satisfied that the Empire Company would comply with every detail of that contract, that it would be to their great interest to do so, that in any event if they did not, the prerequisite conditions named in the contract would abundantly protect us.

600 At the meeting of the Election Board when Commissioner Czarnecki's resolution was offered, the following resolution was also offered:

"Whereas, this Board of Election Commissioners has heretofore by resolution, duly passed and recorded, decided to purchase one thousand voting machines from the Empire Voting Machine Company, a corporation organized and doing business under the laws of the State of New York at the price of nine hundred and forty-two thousand five hundred dollars (\$942,500); and

"Whereas, a further and full investigation of the sam-

ple Empire machine by this board and by the experts appointed by the County Court warrants this board in proceeding to make a formal contract of purchase; therefore,

“Be it resolved, that any two members of this board, together with the Chief Clerk of this board, be and they are hereby authorized and instructed to execute and deliver a written contract, a copy of which is hereto attached and ordered incorporated in the minutes, for and on behalf of this board, with said Empire Voting Machine Company for the purchase of one thousand at said price of nine hundred and forty-two thousand five hundred dollars (\$942,500) and that said contract shall be approved by the County Judge of Cook County, Illinois, and that said contract be executed in duplicate, one copy for said Empire Voting Machine Company and one copy for this board.”

The witness states that the above was a resolution submitted by him. It received a second.

601 In the contract the time for deliveries did not agree with the time mentioned in the specifications. Paragraph 11 of the voting machine contract was then read into the record as follows:

601-2 “Eleventh: The ‘board’ agrees that in payment of said one thousand (1,000) machines the ‘Company’ shall be paid the full sum of nine hundred forty-two thousand five hundred dollars (\$942,500) by payment or payments to be made on the delivery and acceptance of any of said machines, said payments to be made at the rate of nine hundred forty-two and 50/100 dollars (\$942.50) for each machine so accepted and delivered. The ‘board’ agrees that such acceptance shall be made within ten (10) days after the delivery of the machines in Chicago. Said payments shall be allowed first by the approval of the ‘board’ of the claim or claims as they become payable by and upon the delivery and acceptance of the machines. That said claim or claims shall then be forthwith presented to the county judge for auditing, who shall then draw the necessary warrant or warrants to secure the payment thereof out of any money then or thereafter available in the City Treasury. Said warrants shall be for sums of from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000) each, and of such smaller amounts as may be necessary to complete the payment, and shall be of the following form as nearly as may be practical:

"CHICAGO.....191....

The City of Chicago,
For Board of Election Commissioners.....
of the City of Chicago, Illinois.
To Empire Voting Machine Company, a corporation ex-
isting under the laws of the State of New York.

.....
.....
.....
Certified correct for
the sum of.....Dollars.....

BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO,

By.....
Chief Clerk.

Approved:

BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO.

By.....
Chairman.

Audited for payment:

.....
County Judge."

603 "Q. I will ask you whether or not the board had con-
sidered the question of financing these purchases by issu-
ing certificates of indebtedness or bonds such as provided
for in Section 5 of the Voting Machine Law? A. I under-
stood and understand now that this form of the certificate
of indebtedness is the form referred to in the Voting Ma-
chine Law."

Witness thinks such a certificate of indebtedness is not
the same as a "warrant for current expenses."

604 The witness would not like to say it was not a bond, not
in form, exactly. But whether it would not be equivalent
to a bond witness does not know. Witness thinks the City
Council at this time had not made any appropriation to
meet such warrant. The Board of Election Commission-
ers have not notified the City Council to prepare to meet
such expenses.

605 The letter from Judge Owens' experts was here pro-
duced. It bore no date but had a notation on the back
"July 27—11."

Witness said, "That says July 27, '11. This contains
the filing marks; that is my handwriting. I think prob-

ably that is recently made. It looks like it was. That is my handwriting; that says July 27th—11.”

This letter is the one read in the meeting of July 21st six days before it was filed.

“Mr. STUART. They have apparently omitted the date, but that is not my handwriting.

“Mr. DENEEN. It is not your handwriting, Mr. Stuart?

“Mr. STUART. It is not. It is in the handwriting of Bert Kelly, my secretary. Do you want it looked up further as to date?”

VOLUME VIII.

Afternoon session,

Friday, July 25, 1913.

HOWARD S. TAYLOR, resumed the stand:

608 The letter read at the meeting of July 21st was the second report received from Judge Owens' experts. Witness does not recall that they received any later report before the contract was awarded.

The second report or letter from Judge Owens' experts was here read.

609 “Mr. DENEEN. Q. Did you incorporate these changes in your contract?

“A. I think, I am not sure, I am not sure whether it is in the contract or not, but my recollection is that the Empire machine that was purchased for—the 70-key Empire machine that was produced for exhibition and competition had reduced the slot to an inch and a half and that it was required to restore it to its old dimensions of two inches and that that was done.”

610 “Q. Did you make a contract specifying that those changes should be made? A. I cannot tell you.”

Witness supposed the standard of comparison for machines to be furnished by the Empire Company was the 7-party, 50-key machine with certain changes that we had made, but cannot recall that the changes required were incorporated in the contract.

611 Witness has no independent recollection on the subject and will have to refer to the contract. Witness here examines a copy of the contract.

“A. Yes, the second provision here is that the ma-

chine shall be provided with independent slides of not less than two inches in length and one-half inch in width and shall not have an interlocking device requiring the operation of a release knob between the straight ticket and the split ticket.”

The contract between the Empire Voting Machine Company and the Board of Election Commissioners was then read into the record as follows:

614-624 This agreement, made and executed in duplicate this day of July, A. D. 1911, by and between the Empire Voting Machine Company of Jamestown, N. Y., a corporation organized under the laws of the State of New York, party of the first part, and hereinafter referred to as the “Company,” and the Board of Election Commissioners of the City of Chicago, State of Illinois, party of the second part, and hereinafter referred to as the “Board,” Witnesseth that:

Whereas, the “Board” issued specifications for the furnishing of voting machines to said “Board” which said specifications bear date April 27, 1911, and a copy of which specifications is hereto attached and marked Exhibit “A,” and

Whereas, the “Company” bid in competition on said specifications and was the successful bidder for furnishing voting machines, and

Whereas, the Empire Voting Machine manufactured by the “Company” has been duly approved by the Illinois State Board of Voting Machine Commissioners as complying with all of the requirements of the laws of Illinois relating to the use of voting machines and a report of said Board, setting forth such approval, has been duly filed in the office of the Secretary of State of Illinois, and a certified copy of a certificate of said voting machine Commissioners certifying as to an actual examination of a seventy (70) key, nine (9) column machine by said Voting Machine Commissioners shall be filed with the Board of Election Commissioners of the City of Chicago before the first installment of machines is accepted, and a failure to file same shall nullify this contract.

Whereas, the “Company” has submitted to the “Board” a machine which provides for nine (9) political parties of seventy (70) candidates each, one row of seventy (70) devices for voting persons not nominated, and

one (1) row of devices for voting on twenty-five (25) questions:

Now, therefore, for and in consideration of the agreements hereinafter stated and expressed, the parties hereto
615 hereby covenant and agree with each other as follows:

First: The "Company" hereby agrees to sell to the "Board" One Thousand (1,000) Empire Voting Machines at the net price of nine hundred forty-two and 50/100 dollars (\$942.50) for each machine, f. o. b. car at Chicago, Illinois, and agree that each machine so furnished shall in all respects comply with all the requirements of the Statutes of Illinois now in force relating to the use of voting machines. The "Company" also agrees that each machine so furnished shall be of the same materials and excellence as the seventy key nine column machine exhibited at the time of en sealing these presents.

Second: The "Company" agrees that each of said machines shall provide for nine (9) political parties of seventy (70) candidates each, one row of seventy (70) devices for voting for persons not nominated, one row of devices for voting on twenty-five (25) questions, and a device to provide for voting cumulatively on the office of member of assembly, said machine shall be provided with independent slides of not less than two inches in length and one-half inch in width and shall not have the interlocking device requiring the operation of a release knob between the
616 straight ticket and the split ticket.

Third: The "Company" agrees to deliver the said machines f. o. b. Chicago, Illinois, as follows:

Two hundred (200) thereof on or before eight (8) months after the date of this contract, three hundred (300) thereof on or before fifteen months after the date of this contract, two hundred and fifty (250) thereof on or before twenty-one (21) months after the date of this contract and two hundred and fifty (250) thereof on or before twenty-six (26) months after the date of this contract, provided, always, there is no delay caused by strikes, fires or other causes over which the "Company" has no control. It is mutually agreed by the "Company" and the "Board" that subject to the foregoing the "Company" may deliver said machines in shipments of fifty (50) or more machines as suits the convenience of the "Company" and that the "Board" will receive and accept the same as they arrive in Chicago, said deliveries are also to be made

subject to the provisions of Section 13 hereinafter contained.

Fourth: The "Company" agrees to make good by repairs or replacement any imperfections or defects in material or workmanship in said machines and to keep said machines in repair without additional cost to the "Board" for a period of five (5) years from the delivery of said machines to said "Board," provided, however, that said machines shall be properly cared for and properly prepared for each election, and provided, further, that such repair or replacement is not rendered necessary by the elements, fire, accidents or through careless or malicious handling.

Fifth: The "Company" agrees to defend any action or actions that may be brought against the "Board" or against any officer, member or employe of said "Board," or against the City of Chicago, or against the County Judge or any judge of election, by reason of any alleged infringement of any letters patent by the use of said machines (provided immediate notice is given to the "Company" of the beginning of any such action) and to indemnify the "Board" for all damages and costs and attorneys' fees that may be incurred therefrom.

Sixth: The "Company" agrees to furnish with each machine, without extra charge, for the instruction of voters, a working model, which shall be a duplicate of a portion of the face of the machine.

Seventh: It is mutually agreed that if the "Board" desires to purchase any additional voting machines that said "Board" may purchase same from said "Company" and
618 said "Company" agrees to sell said machines at no higher price than the price named in this contract.

Eighth: The said "Company" hereby agrees to allow said "Board" to have the use and benefits of all future patents and improvements owned or controlled by the
619 "Company" applicable to and an advancement upon the process and functions of this machine without additional cost to said "Board" except a reasonable price for the labor and materials employed in such improvements.

Ninth: The "Company" agrees to deliver to the Election Board a bond in the sum of two hundred and fifty thousand dollars (\$250,000) executed by the "Company" as principal and by a surety company authorized to do business in the State of Illinois, as surety, guaranteeing

the prompt and faithful performance by the "Company" of each and every obligation on its part in this agreement contained, said bond to be subject to the approval of the Judge of the County Court of Cook County, Illinois. Said bond and this contract are to be read as one contract.

Tenth: The "Board" hereby agrees to purchase from the "Company" the said one thousand (1,000) Empire Voting Machines at the net price of nine hundred forty-two and 50/100 dollars (\$942.50) for each machine, f. o. b. machine cars Chicago, Illinois, amounting in the aggregate
619 to the sum of nine hundred forty-two thousand five hundred dollars (\$942,500) to which amount the City of Chicago shall become indebted to the Company on the delivery and acceptance of the machines.

Eleventh: The "Board" agrees that in payment of said one thousand (1,000) machines the "Company" shall be paid the full sum of nine hundred forty-two thousand five hundred dollars (\$942,500) by payment or payments to be made on the delivery and acceptance of any of said machines, said payments to be made at the rate of nine hundred forty-two and 50/100 dollars (\$942.50) for each machine so accepted and delivered. The "Board" agrees that such acceptance shall be made within ten (10) days after the delivery of the machines in Chicago. Said payments shall be allowed first by the approval of the "Board," of the claim or claims as they become payable by and upon the delivery and acceptance of the machines. That said claim or claims shall then be forthwith presented to the County Judge for auditing, who shall then draw the necessary warrant or warrants to secure the payment thereof out of any money then or thereafter available in the City Treasury. Said warrants shall be for sums of
620 from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000) each, and of such smaller amounts as may be necessary to complete the payment, and shall be of the following form as nearly as may be practical:

621 CHICAGO.....191....

The City of Chicago,
For Board of Election Commissioners,
Of the City of Chicago, Illinois.
To Empire Voting Machine Company, a corporation ex-
isting under the laws of the State of New York.

*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*

Certified correct for

The sum of Dollars

BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO,

By.....
Chief Clerk.

Approved:

BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO,

By.....
Chairman.

Audited for payment:

.....
County Judge.

622 Interest at four and one-quarter ($4\frac{1}{4}$) per cent. shall be paid on all amounts, the payment of which may be deferred more than thirty (30) days after the date of the warrants, which shall be dated as of the date of the acceptance of the machine.

Twelfth: The "Board" further agrees to give immediate notice to the governing authorities of the City of Chicago of the execution of this contract, so that provision may be made for the prompt payment of the amounts becoming due hereunder.

Thirteenth: It is further agreed between the "Company" and the "Board" that the machines may be delivered in shipments of fifty (50) or more, which machines shall be paid for promptly on delivery and acceptance, and in case there is any delay in the receipt of the purchase price in money by the "Company" on account of the failure of the City of Chicago to promptly pay any warrant so issued, the "Company" at its option may postpone the delivery of the balance of the machines by a term beyond the

time fixed for delivery in this contract, to equal the delay in the payment of such warrant.

In witness whereof, The "Company" has caused these presents to be signed in its name, by its president and sealed with its corporate seal and attested by its secretary, the day and year first above written, and the "Board" has caused these presents to be signed in its name by two members of said Board of Election Commissioners and the Chief Clerk of said Board of Election Commissioners and sealed with its seal at the same time.

EMPIRE VOTING MACHINE COMPANY,

By.....
President.

(SEAL)
Attest:

.....
Secretary.

BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO,

By.....
Chairman and Election Commissioner.

By.....
Election Commissioner.

By.....
Chief Clerk.

(SEAL)
Attest:

.....
Chief Clerk.

Approved:

.....
County Judge.

O. K. C. H. M.

624 Attached to the contract as Exhibit "A" is a printed copy of the board's specifications for the furnishing of voting machines, dated April 27th, 1911, which is attached here and which is also on file.

626 The witness thinks the minutes concerning the contract are correct.

"Q. I call your attention to the 11th. I will not go into the contract very much. It said that the warrants of the County Judge are to be paid out of 'any money thereafter available in the City Treasury'? A. Yes, sir."

Witness recalls that the Bureau of Efficiency had called the attention of the Election Commissioners to the fact that this provision would mean that "You could take out

the funds called the traction funds accumulated through the percentage awarded the city by the public utility companies for the purpose of building a subway?

"Q. Did you make any inquiry as to the validity of that claim"—and so forth.

"A. We had some discussion about it. I don't just recall who, whether it was before the board as organized, or anybody else and the opinion, I think, of this commission and myself, and perhaps Mr. Wheelock, who was then, I think, representing the company—

627 "Q. The Empire Company? A. The Empire Company was that it was sort of a waiting scheme that we would have to take the funds when they were available; when the City Council thought they were available and in effect it was a matter that would defer the payment; hence the provision for deferred payments bearing a rate of interest."

The witness cannot recall specifically whether the Bureau of Efficiency's contention regarding the taking out of the traction fund was ever considered by the Election Commissioners.

Witness never heard of the proposition that judgment should be confessed on the warrants converting indebtedness into a judgment against the city.

628 That is what has come to pass, but it was not considered at the time.

Witness does not know, but has heard that the City has confessed judgment for \$182,000.

The following was then read into the record from the minutes of the Board of Election Commissioners:

628-9 "Commissioner Taylor: Mr. Chairman, now, after having heard the contract read, referred to in my motion, I move its adoption.

Mr. DENEEN. Q. Did you make that statement?

"A. Yes, sir.

"Mr. WHITTAKER (reading). 'Commissioner Czarnecki: Let's get this thing clear; does this resolution adopt and approve this contract? Commissioner Taylor: Yes, and I want the authority of the majority of this board to execute this contract.'

"Mr. DENEEN. Q. That is correct? A. Yes.

"Mr. WHITTAKER (reading). 'Commissioner Czarnecki: Is it out of order to study over this contract, with the view to offering amendments to it? This is the first time I have seen this contract. There are things that I

might submit that would meet with your approval. There is a penalizing clause and there are other things that are missing. Surely, gentlemen, you will give me sufficient time for that. I ask it and I move it.' "

The witness cannot tell whether Commissioner Czarnecki had seen the contract previous to the time of his motion above quoted.

The following motion by Commissioner Taylor was then read into the record:

- 629 " "Commissioner Taylor: I object to any delay. There isn't a single item of that contract that has not been debated and redebated except two or three small provisions: Most of that matter is old specifications, which I believe you approved.' "

"Mr. DENEEN. Q. Did you make that statement?

"A. Yes, sir.

- 630 "Q. If there were no new items added to the contract, why did you object to giving him time to read it? A. My objection at that time, and to previous motions of Mr. Czarnecki was largely founded on the strong impression I had that his whole course—the whole course of his management, his objections, the introduction of protests and letters, was simply a movement for delay, with the expectation of defeating by delay the consummation of the contract.

"Q. Did you expect that he would influence you to vote against the contract? A. If I would yield to him and delay, I think there was a possibility."

- The witness continues his answer: "I will answer I did not expect he could control me. I had been studying this business for a great many years and knew, or thought I knew, and think I know now, that voting machines, widely in use throughout the United States, and almost uniformly certified to be effective and economical and
631 safe, that it was a wise thing for Chicago to get them and to get them right away, as the grand jury had recommended in 1908. I had that strong conviction and while I yielded at the start to the dilatory movements of Mr. Czarnecki, and continuing from time to time, for instance, the period of opening the bids, three times, I think, and then continuing it indefinitely, and hearing patiently all the protests, some of them insulting, and hearing their arguments, after all that I got a little impatient toward the last, and I thought it was time for us to do something.

That was my feeling along toward the close of this term of discussion."

"Q. Then why did you object to giving him an opportunity to read the contract before he signed it, for \$942,500? A. My objection was out of a feeling of impatience toward the continued pressure of procrastination and because, as I stated here, we had debated those points over
631-2 and over again and threshed them out, and there was nothing except this—so far as the expert report and plans for the final machine, except this large slot and that release lever that had not been demonstrated to the board; and I saw no occasion for waiting."

"Q. You thought he would have ample time for reading it after it was passed? A. Yes, and I think after he had read it, and after it was passed, he continued to object to it on one ground or another.

"Q. It seems he is doing it yet; it seems he has kept it up for two years? A. Yes."

A statement by Commissioner Czarnecki at this meeting of the Board of Election Commissioners was then read into the record as follows:

" "Commissioner Czarnecki: The only action I approved on voting machines in this board was the action of Chief Clerk Stuart way back in last February to send out notices to the voting machine men that we might become interested in the installation of the voting machines in this city. When the specifications were considered and acted upon I submitted a minority report and have a copy of it. I voted against the approval and adoption of your specifications.' "

Mr. DENEEN. Q. Did he make that statement?

A. I am not sure about it.

Q. Well, do you doubt it? A. I have been willing to let that minute go in as correct.

THE CHAIRMAN. I would like to have a little more read right along there.

Mr. DENEEN. So there won't be any dispute, we will take it up paragraph by paragraph.

633 Mr. WHITTAKER (reading). "Commissioner Taylor: You signed the specifications yourself and it was so published to the world."

Mr. DENEEN. Q. Was that stated? It was, was it not?

A. Yes.

Mr. WHITTAKER (reading). "Commissioner Czarnecki:

If I signed I did so as secretary of the board under protest and not at any meeting.

Mr. DENEEN. Q. Did he make that statement?

A. Well, that may be. I confess that my independent recollection of that conference or, rather, dispute, was somewhat different from this, but I can't give you the items and features of it from my memory.

Q. Well, the fact was he did sign it under protest, didn't he? A. No, sir, I don't think he did.

Q. You don't think so? A. I don't think he did.

Q. Do you dispute the statement made here? A. I don't think he protested; I don't think we heard a word of protest from Mr. Czarnecki at the time those specifications were signed; I don't think I did.

Mr. DENEEN. Read the next.

Mr. WHITTAKER (reading). "Commissioner Taylor: I do not recollect any protest from you."

Mr. DENEEN. Q. You made that statement? A. Yes.

634 Mr. WHITTAKER (reading). "Commissioner Czarnecki: Do you remember a series of motions and amendments that I offered to this board for the specifications right here in this room, Dr. Taylor? Commissioner Taylor: When was that—last winter? Commissioner Czarnecki: I want to make myself clear on this. In the first place I would like to see my signature. Commissioner Taylor: You signed. Commissioner Czarnecki: If I signed the specifications I did so as secretary of the board, as a matter of form, and did not withdraw my protest."

635 Q. Now, those minutes are correct as far as we got; we haven't got to any others. Or shall we read them? A. I will not dispute them; it may be that these things were said at the time.

Mr. DENEEN. Now read your statements, you objected to it at the time. Read Commissioner Taylor's statement, Mr. Whittaker.

Mr. WHITTAKER (reading). "Commissioner Taylor: The only thing that is new in this contract or of any material difference is the provision that we have made in there as to the manner of delivery of the machines and provisions for the enlargement of the slots for independent voters. I am opposed to any motion for delay. I have been remaining here under painful conditions for the past three or four days. My sister has been ill. I have been called on the telephone and by telegraph. I felt that I did not wish to go until this matter was settled. I will

object to anything that would occupy me eight or ten days longer until this matter is disposed of. I am opposed to any delay, for any purpose real or pretended. I urge the adoption of the motion."

Mr. DENEEN. You made that statement? A. I think that is probably correct.

Q. Yes? A. Yes.

Mr. DENEEN. Now read Mr. Czarnecki's statement.

Mr. WHITTAKER (reading). "Commissioner Czarnecki: In the first place, before you go on, I must make myself clear as to what my position and my action has been from the beginning. My vote was against every step and these specifications. The specifications were adopted by a majority vote of two to one. My recommendations were ignored and overruled except in one or two instances perhaps and I voted against the approval of the specifications."

636 "If I signed the specifications as secretary I did it upon your request as a matter of form, but the fact as to my position, what was done by this board in voting, there is no question in my mind. I did not and do not approve the specifications."

Mr. DENEEN. Q. He made that statement? A. I think so.

Q. Now, Clerk Stuart said—read that, Mr. Whittaker.

Mr. WHITTAKER (reading). "Chief Clerk: My recollection is that you did sign these specifications."

Sen. CANADAY. I would like to ask a question of Mr. Taylor.

Q. Is that original resolution in existence, on file here?

A. I can't tell you about that. They were probably sent to the printer and whether they were returned, and gotten back again, I am not sure.

Q. Do you know whether he did sign that in any other capacity except as secretary of the board? A. Well, that might have been the motive in his mind, I am very certain that there was no protest written upon the copy, that is my recollection, strong recollection. I would have noted it at the time, I think that was at a period considerably before Mr. Czarnecki began his objections.

Sen. CANADAY. The copy that I have here is signed, "Charles H. Kellerman, Chairman," "Anthony Czarnecki, Secretary," "Howard S. Taylor, Board of Election
637 Commissioners of the City of Chicago, Illinois." Is that the way the original draft was signed?

A. I think that was the way, sir.

SEN. CANADAY. That is all.

THE CHAIRMAN. That is all the Senator wants to ask.

MR. DENEEN. I will ask you a question there on that. You remember that Commissioner Czarnecki asked you one evening, and which you read, to procure a statement of those specifications and which you refused, that was recalled to your mind yesterday, he wanted to read the proof-sheets and you and your associates prevented it?

A. I do not recall.

Q. We went to that yesterday, but we did not hunt it up. A. It may have been.

MR. DENEEN. Make a note of that and I will look the record up on that. All right, Mr. Whittaker.

MR. WHITTAKER. Following what the Chief Clerk said, Mr. Czarnecki said: "If I did it I did it as secretary of the board upon your request. Such signing as secretary as a matter of form under direction of a majority of the board surely did not mean an approval after I voted against approving them, and surely that is clear from the very nature of the specifications themselves. If you recall
637 your specifications provide for the submitting of bids within 25 days or less than a month, whereas I urged and
638 offered amendments that three months at least be given. If you recollect I also urged the bond to be equal to the amount of the purchase. I also urged that a check for one per cent. of the purchase price and not more be required as a certified check deposit on the bid. I did not withdraw my objections. I insisted upon minority recommendations and voted against the approval and adoption of the specifications."

MR. DENEEN. That is correct, isn't it, Doctor?

A. I think it is, sir.

MR. DENEEN. Now, Doctor Taylor's remark.

MR. WHITTAKER (reading). "Commissioner Taylor: That was true, I recall some of this. Commissioner Czarnecki: I want to bring this to your attention. I did not approve and did not vote for the specifications. Commissioner Taylor: I cannot say now that you differed from the majority of the board; my impression was that after we had completed the discussion and the matter came to a vote you agreed to vote and sign the specifications."

MR. DENEEN. That statement was made by you and by
638 him as read there?

A. Yes, sir.

Mr. WHITTAKER (reading). "Commissioner Czarnecki: If you will think about this matter I cannot believe that you will not agree with me that I am right as to my position. It is unpleasant for me to point out your mistakes, Doctor, as to my position in this matter, at this time.

639 There was no agreement of all the board on the specifications and no unanimous vote. My position has not changed on this proposition from start to finish and at this time I would respectfully move and ask to give me sufficient time to look over this contract for the first time in my hands."

Mr. DENEEN. Q. Did he make that statement, according to your best recollection?

A. I do not recall about that.

Q. Do you dispute it? A. Oh, no, no.

Q. Well, it has been approved as part of the minutes? A. Yes.

Mr. DENEEN. Now read Dr. Taylor's statement.

Mr. WHITTAKER (reading). "Commissioner Taylor: I object to any further delay myself. I want the motion passed. We have been here talking over this matter for at least three months."

Mr. DENEEN. Q. You made that statement, to the best of your recollection?

A. Yes, sir, probably.

639 Mr. DENEEN. Now read Commissioner Kellerman's statement.

Mr. WHITTAKER (reading). "Commissioner Kellerman: Gentlemen, you have heard the motion. All in favor say 'aye.' Commissioners Taylor and Kellerman voted 'aye.' Commissioner Czarnecki voted 'nay.' Motion carried by a vote of two to one."

Mr. DENEEN. Is that a correct statement?

A. I think so.

Mr. DENEEN. Now read Commissioner Czarnecki's remark.

640 Mr. WHITTAKER (reading). "Will I have the privilege of setting forth my reasons in detail and in writing on my voting 'nay,' as soon as I can prepare them?"

Mr. DENEEN. Now, Dr. Taylor's remark.

Mr. WHITTAKER (reading). "Commissioner Taylor: I have no objections to your setting forth your reasons, but when these minutes come to be written upon the record I shall object very much to the writing in of an oration. I think it is very bad business, unprecedented by any other

board. I think there should be some way of reducing the transactions of the board to as brief a form as possible. I shall insist that the minutes be written out in that proper method and proper manner and before they are written out in that proper method and proper manner and before they are written in they must be brought before this board and approved by this board."

640 Mr. DENEEN. You made that statement in response to him?

A. Yes.

Mr. DENEEN. Now read Commissioner Czarnecki's remark.

Mr. WHITTAKER (reading). "Commissioner Czarnecki: Do I understand that you will insist that my motions and resolutions which did not receive a second will not appear of record? Commissioner Taylor: They ought to appear in the record."

Mr. DENEEN. Those statements by him and you are correct?

A. Yes, I think so.

Mr. DENEEN. Yes. Read Commissioner Czarnecki's statements.

641 Mr. WHITTAKER (reading). "We have a transcript of the shorthand reporter's notes in typewritten form of the board's proceedings during the time Mr. Force, the shorthand reporter, was here. Then after he left we had no shorthand transcript notes but I have minutes from my own notes and notes as taken by our stenographer. We have all the minutes of all meetings."

Mr. DENEEN. He made that statement, did he, or in substance that?

A. I do not recall anything about that at all, that latter part.

Q. Well, you do not dispute it, you simply do not recall it? A. Oh, no, I don't—

Q. Well, that was approved as part of the minutes of the board? A. That is a matter for the—

Q. What did you say? A. I say that is a matter for the Commission, as to what is proven by the minutes.

Q. I say, the Commission approved that; they approved the statements. You Commissioners approved these notes, these minutes as they appeared? A. No, sir. I explained a day or two ago that these notes probably never had been approved by the board.

Q. You think that part of the minutes which recites you

made a contract, was not approved, and this whole thing could be opened up; do you think that would stick?

A. I don't know about that, I don't think that as a matter of law, but I have no recollection of any approval of those being made, except in this way, long after they were written out I went over them for the purpose of editing them into some sort of shape, getting them condensed, practically, a few errors of phraseology, supplied a word here and there, and then they were turned over to the typewriter to be written out on a sheet as amended to be submitted to the Board for our approval. Now that is my recollection about the minutes, and I am not sure, I would not say positively whether we ever took any action approving all of those minutes. I said to Mr. Kellerman, however, that on looking over the minutes we were discussing the fact whether they were accurate or not—that in my opinion the substantial features of the procedure were preserved, and my advice was not to make any fuss about it, let it go in, then go written into a book and stand as the minutes.

Q. You,—among other things, you said, 'Let this be written in to stand as the minutes?' A. Yes, let it go in.

Q. I will ask you if in editing these minutes you did not write on each of the minutes, 'the minutes of the previous meeting read and approved,' or indicated to your stenographer to have that done, or, as a matter of form, you said 'pro forma'? A. Yes, pro forma. The stenographer had been directed to put that in, a certain form, 'the Board met at a certain time, present so and so, minutes of the previous meeting read and approved.'

Commissioner Czarnecki then made the following motion:

643-4 " 'COMMISSIONER CZARNECKI: I move that before the resolution and contract passed by the Board's majority offered by Mr. Taylor, and regarding the purchase of the voting machines goes into effect and is acted upon, that this Board proceed to devise ways to take the question of submitting the entering into, signing and executing of that contract to a vote of the people at the next November election.'

"MR. DENEEN. Q. He made that statement, did he?

"A. I recall that.

"Q. And your answer was—Read Dr. Taylor's answer.

"MR. WHITTAKER. (reading). 'Commissioner Taylor: The voting machine proposition has been submitted to

the people and voted nine to one in favor of it a good while ago.'

"Mr. DENEEN. Q. That was your statement?

"A. Yes, sir.

"Mr. DENEEN. Now Commissioner Czarnecki's statement. Read it, Mr. Whittaker.

"Mr. WHITTAKER (reading). 'Commissioner Czarnecki. I move we adjourn.' 'Mr. L. R. Winslow. Before you adjourn, may I be heard?' 'Commissioner Taylor. I do not care to hear Mr. Winslow. Commissioner Czarnecki. I have no objection to hearing you. Mr. Winslow. I don't
644 care whether you want to hear me or not, Dr. Taylor. I address myself to Mr. Kellerman and Mr. Czarnecki. I would like to ask the Board if I may be furnished with certified copies of the previous minutes, on the subject matter of voting machines, of the resolutions and contract, and the reports of the experts rendered to Judge Owens and the Board.

Commissioner CZARNECKI. I think that any interested party may make a request for copies and get them. Chairman Kellermann. I think anyone can have a copy. We might also any disinterested parties. Commissioner Czarnecki. Yes, any one. Commissioner Taylor. I have no objection.'

Mr. DENEEN. Q. That is in substance what he told you?

A. I think so, yes.

Q. It does not relate to this matter. Now, on page 245, Doctor Taylor. Will you read what Doctor Taylor stated there? A. Yes.

Mr. DENEEN. Now that was the meeting of June 22nd.

Mr. WHITTAKER. This is the meeting of July 22nd.

Mr. DENEEN. All the Commissioners were present?

Mr. WHITTAKER. All three were present (reading):

'Commissioner TAYLOR. Mr. Chairman, I want to ask
645 you if you recall the order of the motion on the resolution on the adoption and signing of the contract, at yesterday's meeting? The minutes do not cite it. My clear recollection was that I made the motion myself, then called our attorney, Mr. Mitchell, to read the contract. We discussed that for some time, and when I moved the adoption of the motion and you, Mr. Kellerman, seconded it and I then put it to the Board and used the words 'the ayes

have it,' and so on. Now, Mr. Chairman, in order to make assurance doubly sure, I move that the action—'

646 Mr. DENEEN. Q. Now you made that statement when he interrupted you, when Mr. Czarnecki interrupted you?

A. Yes, sir.

Mr. DENEEN. Now read Mr. Czarnecki's remark.

Mr. WHITTAKER (reading). 'Commissioner Czarnecki. I wish to state that I had no recollection of the 'second' to the motion—I do remember a 'second' on another motion with reference to the man from San Francisco on another matter, but I recalled no 'second' on the motion to adopt and sign the contract, although I said to the stenographer when she failed to find it in her notes, that that was a matter which Dr. Taylor would recall. I had her go over her notes and it was not in her notes, and I had no distinct recollection of any 'second.' I called up

646 Dr. Taylor and tried to reach you, Mr. Kellerman, on the wire.'

Mr. DENEEN. Q. That statement was made, was it not?

A. I think so.

Q. And you responded: Read it, Mr. Whittaker.

Mr. WHITTAKER (reading). 'Commissioner Taylor. Now, Mr. Chairman, I move that the action of the majority of the Board at the last meeting, directing and authorizing any two of the Commissioners and the Chief Clerk to execute and deliver the contract read before the Board to purchase one thousand Empire Voting Machines, be hereby ratified and approved.'

Mr. DENEEN. Q. You made that motion? A. Yes, sir.

Q. Commissioner Kellerman seconded the motion—

647 A. Yes, sir.

Q. He seconded the motion? A. Yes, sir.

Mr. DENEEN. Now, Commissioner Taylor's remark. Read it, Mr. Whittaker.

Mr. WHITTAKER (reading). 'Commissioner Taylor. Gentlemen, you have heard the motion. All in favor signify by saying 'aye;' contrary 'nay.' Commissioner Taylor and Kellerman voted 'aye'; Commissioner Czarnecki voted 'nay.'

Mr. DENEEN. Q. That was a correct statement? You made the motion at the end? A. Yes.

Mr. DENEEN. Now, Doctor Taylor's—read it, Mr. Whittaker.

Mr. WHITTAKER (reading). 'Commissioner Taylor.

Now, Mr. Chairman, I move the adoption of the following motion: Resolved, that hereafter all documents and records and official duplicate copies thereof, belonging to this Board, shall be filed and indexed in the vaults of this office under the charge of the Chief Clerk, and that no person other than a Commissioner be allowed to withdraw the same from the vault, and that no Commissioner shall remove them except by filing a receipt for the same, and that at all times, except when in actual use by the Board, the minute-books shall be kept in the vault where they may be inspected at any time by order of the Commissioners, or the Chief Clerk or the Attorney. I move the adoption of this resolution.'

Mr. DENEEN. Q. You made that motion? A. Yes, sir.

Mr. DENEEN. Now, Commissioner Kellerman—read it,
648 Mr. Whittaker.

Mr. WHITTAKER (reading). 'Commissioner Kellerman. I see no objection to it. Commissioner Czarnecki. Just one question. Does that mean that if a member of the Board makes a copy of a resolution, or copy of contracts, or copy of reports here for himself, that he is not permitted to take that away with him? Does that further
648 bar a keeping of a private set of minutes which a member of the Board may make at his home? I want to know if every memorandum which would pertain to Board matters must be done here?'

Mr. DENEEN. Q. Did he make that statement? A. I think so.

Q. You then said:—read Dr. Taylor's remark, Mr. Whittaker.

Mr. WHITTAKER (reading). "Commissioner Taylor: If you will read the resolution you will see it says 'belonging to the Board.' Now, we sometimes make several copies for the Board's use. My thought is that the records shall be kept in the vault and taken care of in some systematic order. As a matter of fact, Mr. Chairman, it has occurred again and again that our records have been scattered around here and there and if a Commissioner wanted to look at them he had to start an inquiry before he could find them. It is not businesslike, it is not the practice that is followed in various clerical offices of this City. I think the proper thing to do is to put all of the records in the vault, index them so they can be easily found, so that when any member of the Board wishes to see them he can see them. That is my thought."

Mr. DENEEN. Q. Did you make that statement? A. Yes, sir.

649 Mr. DENEEN. Then Commissioner Czarnecki.

Mr. WHITTAKER (reading). "Commissioner Czarnecki: 'I wish to be clear on the proposition of having the right to make copies, or anybody else having the right to make copies of the record of the Board—will any person outside have the right to make copies of the records?' "

Mr. DENEEN. He made that statement? A. I think so.

Q. And then you make this statement:—read it, Mr. Whittaker.

Mr. WHITTAKER (reading). "Commissioner Taylor: No objection to anything of the sort. Commissioner Czarnecki: Will it require a special permit to do so, or is it understood now, in accordance with the motion, that this does not apply to any copies which may be made by individual members, or by people outside who might wish copies made by stenographers? Commissioner Taylor: No objection to anybody making copies for themselves. I speak of the records 'belonging to the Board.' " Commissioner Taylor. Mr. Chairman, I move the adoption of this motion. Commissioner Kellerman. I second the motion. Commissioner Taylor. Gentlemen, you have heard the motion. All in favor signify by saying 'aye.' Contrary 'nay.' Commissioners Kellerman and Taylor voting 'aye.' Commissioner Czarnecki stated that in the
649 light of Mr. Hewitt's point just made, he voted 'nay.'

Mr. DENEEN. Q. That motion was put and carried, and those statements made in here precede it? A. Yes, sir.

Mr. DENEEN. Read Commissioner Czarnecki's statement.

Mr. WHITTAKER (reading). "Commissioner Czarnecki. Gentlemen, I submit the following resolution: 'Whereas, I know and am ready to take my oath upon it, that after the refusal of the majority of the Board to adopt a series of my provisions and amendments in the specifications, including among other—that the time within which to file bids and submit a machine be at least three months from the date of the adoption of the specifications, that the amount of the certified check required to be put up in escrow be for one and not five per cent. of the price of the machine, that a penalizing clause to compel prompt delivery of the machines, and that the amount of the Surety Company bond be equal to the cost price of the machines under the contract, all of which were refused and over-

ruled. I opposed, refused to support and did not vote for the adoption and approval of the specifications.

650 'Whereas, I know and distinctly recall that I voted 'no' on the proposition of the adoption and approval of the specifications.

'Whereas, the appearance of my name in the printed specifications as a matter of form, as Secretary of the Board is contended to show that I approved these specifications.

'Whereas, it is contended that the specifications were signed, as if approved by signing them.

'I move that the specifications so alleged to be signed, be produced, so that all that was written upon such specifications at the time of the alleged signing, and with such alleged signing may be shown and made a part of the minutes of this Board, because the specifications, even those for the printer, were not signed by any one in a Board meeting.

'That is my resolution.

'I offer it because there seems to be some misunderstanding as to how I stood on those specifications, and what the appearance of the printed name, as Secretary means.'

MR. DENEEN. Q. He introduced that resolution, did he?

A. I do not recall, sir. I have no independent recollection about it. I read the minutes over after they were produced, as I say, edited them, and concluded to let them go in that report.'

652 It was the custom of the stenographer of the Board to write up the minutes immediately and hand them to Mr. Czarnecki.

"MR. McEWEN. The stenographer's report in full of all the talk?

"THE WITNESS. A. Yes, of everything, and Mr. Czarnecki put them away and he took care of them. I think, more through carelessness than anything else, I have no charge to make against him, but we have had a hard time trying to get hold of them."

The Commissioners asked Mr. Czarnecki to put these matters in the vault.

653 The purpose of Dr. Taylor's resolution was to have the minutes when they were written up kept in the vault and properly indexed. This was not carried out.

654 "THE WITNESS. For months, for more than a year, I

and Mr. Kellermann, at intervals would say to Mr. Czarnecki: 'Now get out those minutes and let us get them into the books after being approved by the Board.' We both did it, we did it separately, and we asked the stenographer to get them out so as to get them in form and get them into the books, and we didn't succeed in getting them until just a little while before you gentlemen came up here, we got them actually written into the books."

Sometimes the Commissioners got from the stenographer loose sheets of the reported proceedings, sometimes not. But the sheets were not to become the official records of the Board.

655
656 When Commissioner Czarnecki showed the memorandum of minutes of the Board, there was a jar full of them (indicating about six or eight inches thick).

659 The reports of Judge Owens' experts were locked up in the vaults in charge of Mr. Stuart, and not in possession of Mr. Czarnecki all this time.

661 Neither Commissioners Czarnecki, Kellermann nor Taylor had the combination of the vault in the Election Commissioners' office so as to get into it. A special vault clerk has the combination.

662 Witness thinks that the correspondence with all the voting machine companies came to the Chief Clerk. Witness cannot recall receiving any. Witness made a motion that the Chief Clerk should take care of such correspondents, and presumes it was carried out.

Concerning Commissioner Czarnecki's motion regarding whether or not he had approved the specifications, the minutes of the Board of Election Commissioners was then read into the record as follows:

663-667 "That is my resolution.

"I offer it because there seems to be some misunderstanding as to how I stood on those specifications and what the appearance of the printed name, as Secretary, means.

Commissioner TAYLOR. I ask if you are not willing to let that go over?

Commissioner CZARNECKI. Did I hear a second to the motion just made? I think not. Then there is another motion I wish to make now. I move that either all that was written under the specifications be made a part of them, including the explanation under which the document was signed, or that the secretary's name be withdrawn therefrom, because its presence there without the explanation

might be misleading and has been misunderstood by every one of the members of this Board. Do I hear a second to this motion? I do not.

Then Commissioner Czarnecki stated that pursuant to his announcement made yesterday when he was taken by surprise, by having the question of the voting machine contract brought up unexpectedly before the Board, the contract there being read for the first time and without any opportunity to study it, there being voted upon and passed
 664 by a vote of two to one, he hereby presents the following specific objections to the contract in support of his vote against the adoption, approval and acceptance of the contract.

664 'That the contract does not properly safeguard the Election Board and the City of Chicago.

'That the Board is exceeding its legal authority to make such a contract.'

Mr. DENEEN. Then I will ask you, Commissioner Czarnecki made the statements as revealed there in substance?

A. I have no independent recollection of it at all.

Mr. DENEEN. I will ask you if you approved it as a part of the record.

A. Well, yes.

Q. Now, read the next.

Mr. WHITTAKER. Then Commissioner Czarnecki stated 'That the voting machines purchased under the provisions of the contract is a heavy, unwieldy and impractical device which will not save money but which will require a large expense for storage, handling and cartage.

'That the contract is of special advantage to the Company and of special disadvantage to the Election Board.

'That before the contract is entered into there should
 665 be more time and more opportunity given to a wider competition.

'That the Empire Voting Machine does not contain all the required improvements, but that each one of the other machines in the competition have special features the need of each one of which is essential with other things to make a practical machine.

'That sufficient time should be granted to every Commissioner to read and study every action and portion of the proposed contract before an attempt is made to have it passed and approved.

'That the contract binds the Board to buy a larger number of machines than business dictates.

‘That 120 machines should first be tried out before any more are contracted for.

‘In addition to the above Commissioner Czarnecki reiterated other objections which he had previously raised with reference to the voting machines.

‘Commissioner Taylor stated that all points of Commissioner Czarnecki could be entered of record, but that his extensive remarks should be eliminated from the minutes.’

Mr. DENEEN. Did Commissioner Czarnecki file that protest?

A. I think there was a sort of a final shower.

Q. But no attention paid to it except to raise an umbrella? A. No, sir.

Mr. WHITTAKER (reading). ‘W. J. Lausterer of the Empire Voting Machine Company of Jamestown, N. Y., appeared before the Board and declared he came for his company to receive the certified check held in escrow to secure the bid.

‘Chairman Kellermann announced that he would telephone to the bank and make arrangements that the certified check could be returned today.

‘Commissioner Czarnecki asked if a special order of the Board is necessary or whether the return of the unsuccessful companies checks meant that upon request the Empire Company should also receive its check.

Mr. DENEEN. Q. Those statements were made, I presume?

A. Yes, sir; I think so.

Mr. WHITTAKER (reading). ‘Commissioner Taylor declared that it was unnecessary to make a special order inasmuch as the majority was acting in harmony upon the subject and all were agreed not to refuse the check.

‘Commissioner Czarnecki declared the check should remain in escrow until the sample machine is delivered.

‘Chairman Kellermann announced that the bank people would wait even after the banking hours today and will give the certified check at once, and moved that all hurry to the bank without further discussion.

667 ‘Commissioner Czarnecki moved that the Board adjourn, which was done. The Commissioners and Mr. Lausterer thereupon going to the Continental Commercial National Bank, where a certified check signed by Chas. H. Kellermann, Chairman, Anthony Czarnecki, Sec-

retary, Howard S. Taylor, for the Board of Election Commissioners, was turned over to Mr. Lausterer.'

Mr. DENEEN. Q. Those statements were made, that statement by you?

A. Yes, I think so.

Q. That represents the facts? A. I think that is true."

The witness does not think that Commissioner Czarnecki's protest about the unwieldiness of the machine received any consideration. The machine weighed 1,120 pounds with the case.

668 The machine had to be handled a number of times for each election, perhaps ten.

668-9 "Q. Instead of asking you a question, I am going to read to you this,—it is a calculation that has been made,—and ask you if it is substantially correct: 'The machine weighed, with its box, 1,190 pounds, handled ten times with each election, that made 11,900 pounds, and if there are four elections a year, that makes 47,600 pounds, and for a thousand machines, it would require to handle, which would be 47,600,000,' which is 23,800 tons,—that is about it as you would say? A. Yes, I say it is possible, I have not gone into that computation.

"Q. If the average carload fixed by the Central Freight Association here is 19.3 tons to a car, that would make 1,233 carloads and would make a train nine and one-half miles long to handle your machines, once a year, would you call that an unwieldy machine or otherwise? A. No, sir; I don't think it would.

"Q. That is about four and one-half times as much metal as there is in the First National Bank in this city. A. Yes.

"Q. And more than any building in the city, you say that would not be unwieldy? A. You might say, by the same computation, a man in the course of an ordinary lifetime would eat food amounting to the size of a house, but it would not appear unreasonable, it would not be a very unreasonable thing, as I said yesterday. Indianapolis has been handling machines weighing 1,400 pounds for eleven years, and are very much in love with the machines, according to the official testimonies of the Mayor and the City Clerk and the Auditor and the Election Commissioners, and leading citizens,—and another thing that occurs to me pertinent on that question, is this: that if we would take the International Machine or the Triumph

Machine, which is slightly smaller, still they are large, and by the same computation you might get a trainload of them."

669 The Election Commissioners had special devices where-
by one man could lift a voting machine into a box. This
device was not taken to each precinct in the City.

670 It required four men to handle a voting machine.

"Mr. DENEEN. Now take the meeting of November
16th.

671-5 "Mr. WHITTAKER (reading). Board met at the call of
671 the Chair. 'Present: Commissioners Kellermann, Taylor
and Czarnecki.

'Commissioner Taylor said 'Our contract with the Em-
pire Voting Machine Company requires us to notify the
governing authority, the Mayor and the City Council,
that the Board had entered into a contract with the Em-
672 pire Voting Machine Company for the purchase of one
thousand voting machines. Such notices should be ample
to thoroughly inform the Mayor and the City Council of
the nature of the contract.'

'Commissioner Taylor moved that the Chief Clerk be
directed to serve upon the City Clerk and through him
upon the Mayor and the City Council, the following notice
which has been submitted to the Attorney of the Board,
who has prepared the same with the contract and ap-
proved the notice.'

The CHAIRMAN. You said Chief Clerk there; it should
have been City Clerk.

Mr. WHITTAKER. If I said Chief Clerk it was a mistake.

Mr. LANDEE. Yes, the Mayor and the City Clerk.

Mr. WHITTAKER. Yes. (Reading) 'To the Mayor and
Common Council of the City of Chicago.

Care of the City Clerk of Chicago, GREETING:

GENTLEMEN:

Acting under and pursuant to power and authority
vested in us by the laws of Illinois, we have heretofore
on the 25th day of July, 1911, entered into a contract with
the Empire Voting Machine Company, of Jamestown,
N. Y., for the purchase of one thousand (1,000) voting
machines at Nine Hundred Forty-two Dollars and fifty
673 cents (\$942.50) each, or for the total of Nine Hundred
Forty-two Thousand and Five hundred Dollars (\$942,-
500).

A copy of this contract is attached hereto.

Sections 3 and 13 of this contract specify the rate at which these machines are to be delivered, and Section 11 specifies the manner in which the machines shall be paid for.

For the purpose of paying for these voting machines, we request your Honorable Body to provide in the City Treasury money not otherwise appropriated, at the following times and in the following amounts.

1. Within the current period expiring March 21, 1912, the sum of One hundred eighty-eight thousand, five hundred dollars, (\$188,500) in such installments as may be necessary to pay for the two hundred (200) voting machines as they may have been delivered from time to time during that period under the terms of said contract, or to pay at once for the two hundred (200) voting machines if the entire amount shall be delivered at one time.

2. Within the period between March 21, 1912, and October 25, 1912, the sum of two hundred eighty-two thousand seven hundred and fifty dollars (\$282,750) in such installments as may be necessary to pay for three hundred (300) additional voting machines as they may have been delivered from time to time during that period under the terms of said contract, or to pay at once for three hundred (300) voting machines if the entire amount shall be delivered at one time.

3. Within the period between October 21, 1912, and April 21, 1913, the sum of two hundred thirty-five thousand six hundred and twenty-five dollars (\$235,625) in such installments as may be necessary to pay for two hundred and fifty (250) voting machines as they may have been delivered from time to time during that period under the terms of said contract, or to pay at once for the two hundred and fifty (250) voting machines if the entire amount shall be delivered at one time.

4. Within the period between April 21, 1913, and before September 21, 1913, the sum of two hundred thirty-five thousand six hundred and twenty-five dollars (\$235,625) in such installments as may be necessary to pay for two hundred and fifty (250) voting machines as they may have been delivered from time to time during that period under the terms of said contract, or to pay at once for the two hundred and fifty (250) additional voting machines if the entire amount shall be delivered at one time.

We further request you to promptly levy and direct annual tax that may be needed to provide in the City Treasury any part or parts of the aforesaid sums, provided to be paid under the terms of said contract, together with the interest thereon, that may become payable under paragraph 12 of the contract in case the machines are not paid for within thirty (30) days from the date of the delivery or acceptance thereof.

CHAS. H. KELLERMANN,

HOWARD S. TAYLOR,

ANTHONY CZARNECKI,

(by direction of the Board of Election Commissioners of the City of Chicago and ex-officio of the Town of Cicero),

W. H. STUART,

Chief Clerk.

JOHN E. OWENS,

675 County Judge.

Commissioner Kellermann seconded the motion, which was carried, Commissioner Czarnecki voting nay.

Thereupon the Board turned its attention to other matters."

Mr. DENEEN. Was that notice sent?

A. I think that is correct, sir.

676 The minutes of the meeting of December 28th, 1911, were then read:—

"Mr. WHITTAKER. I read the minutes in full after the statement of who were present. (Reading.) Commissioner Kellermann presented to the Board a communication from the Empire Voting Machine Company, addressed to the Board of Election Commissioners, and announcing that the Company is now ready to deliver an installment of fifty (50) machines under their contract with the Board, that the machines have been duly inspected by the Board of Voting Machine Commissioners of the State, and that the Company has now in the City one (1) of the said fifty (50) voting machines installed at the Sherman House, Room 800, and invites the Board or any of its members to visit and inspect said machine.

"Said letter also enclosed a copy of the report of the State Voting Machine Commissioners, showing that the machine now on exhibition at the Sherman House has

been duly inspected by the Voting Machine Commissioners and found to be correct and competent under the law, and the letter further states that the original report of the said Voting Machine Commissioners has been duly filed with the Secretary of State.

"Commissioner Taylor moved that the letter from the Empire Voting Machine Company and copy of said report be received and placed on file."

"Mr. DENEEN. Q. Is that a correct statement?"

"A. I believe that is correct."

677 After voting machines were delivered a storage room was rented. Witness cannot say for how much per month. Witness cannot say whether the number of employes of the Board has been increased since 500 voting machines had been secured, or how many men are employed at the storage house. Has no information upon the subject.

678 The fact that keys had been broken in moving the machines had been called to the attention to the Board by judges and clerks on election day who failed to get them together properly. This was a matter of no consequence so far as the machines were concerned.

Witness thinks there was one case where there was a broken key and its place was supplied, but witness is not sure about it.

Witness has not heard of any complaints regarding the operation of the machine in the witness' own ward and has never heard that a machine refused to operate in the morning in the Longwood precinct and that it was necessary to send out an expert who failed and another had to be sent, or that the Longwood machine didn't begin operating until ten o'clock. Longwood is the witness' own district.

679 The witness did not hear anything about a machine in the 36th Precinct of the 31st or 32nd Ward losing 151 votes. Witness does not believe that was the case.

"The WITNESS. A. I think, Governor, you are confusing, there was a lot of votes lost on the State's Attorney issue in the 30th, 31st, 32nd and 35th Wards, but they were not lost on the machine, they could not be lost on the machine."

Witness thinks that if any votes were lost in any precinct they were lost on the paper ballots and not on the

machine. Witness never heard of any votes being lost on the machine.

680 Witness knows of the decision of the Supreme Court regarding the provision of the law requiring that a voting machine shall enable the voter to vote in one minute and states that since the decision the Commission has insisted upon further payment for the machines.

“Q. And insisting on it now, aren't they? A. Yes, sir, we have; we think that is a valid contract, the machine is a valid machine.

“Q. Have you saved any money on printing since these machines were installed? A. I don't know that, I think that is very doubtful.

“Q. Or cartage? A. I don't think it has, it is very doubtful for several reasons, owing to the legal contests, the conditions, investigations, etc., we have not been able to pursue the voting machine methods that have approval everywhere else.

“Q. What is the cost of the cartage for each, cost of taking out these machines, the Empire, to the polling place? A. I cannot remember that.

“Q. \$5 a trip?

“Mr. McEWEN. They have spent as high as \$6 a trip, but they contend that the ultimate round-trip expense will be \$3.

681 “Mr. DENEEN. \$3?

“Mr. McEWEN. For each machine.

“Mr. DENEEN. And 5 per cent. on \$942 would be over \$45 a year, on your investment.

“A. How is that? I don't get you.

“Q. The machine costs \$942? A. Yes.

“Q. And 5 per cent. on nine hundred, to make it easy calculation, would be \$45? A. Yes.

“Q. And then your charge for electricity, bulbs and such, in the arrangement would be a little more? A. Would be a very small amount.

“Q. You haven't figured that out, have you? A. No.

“Q. In the cheapening of the cost of election, did you consider that the income on the money you spent, the interest on the money you spent, would be an item? A. Yes, I contemplated that.

“Q. That was taken into consideration in your estimate, that it would be cheaper to have machines than to have ballot boxes? A. I have no doubt about it, that

is the experience in all cities where they have used them, in Indianapolis and Milwaukee they certify on oath before officials that in the eleven years, ten years they have saved the entire price or cost of the machines.

682 "Q. That certificate was made in Minneapolis, too, wasn't it? A. How is that?

"Q. A statement like that? A. There is a statement there from Minneapolis.

"Q. And then— A. I don't think they make that statement.

"Q. And then later they had to put in two machines? A. Well, it was, there was an urgency at a particular time and under particular circumstances where they have to put in two machines.

"Q. Later, that urgency culminated in repealing the law or requiring ballots in their place? A. I don't know that.

683 Recent reports from Minneapolis are extravagantly favorable to the voting machines.

684 Witness does not think that 9,000 votes were lost in the State's Attorney contest in Cook County last fall, but only temporarily held up by Judge Baldwin.

Witness thinks that by the precedent of the Supreme Court most of the ballots held up will be found to be valid ballots. Every vote to which there was any objection was held up for future decision.

686 Witness has not read that 17 men voted for a candidate in one of the precincts where the machine showed only one vote and thinks he knows it is not true.

Witness does not believe that any man can go to the voting machine now in the room and make it lie, it is not possible.

688 "Representative JAYNE. Q. Doctor, do you know of any city that has purchased any Empire machines since the Chicago purchase was made?

"A. I cannot say certainly; I think those that were bought at South Bend were bought after ours were. I may be in error."

Witness thinks that he knew that action was taken on the voting machine matter when the experts finished their report.

689 This was about June 26th.

"Q. You made a remark the other day you said it was generally understood between Mr. Kellermann, Judge

Owens and Stuart and yourself that the voting machine matter would be started? A. Yes, sir.

“Q. Now, Mr. Stuart is not a member of the Board, is he? A. But he is a statutory officer and occupying a prominent place; an executive who has to do a great deal with the voting machine, and, naturally, while he had not any vote, naturally, we listened a great deal to his suggestion.”

Mr. Stuart was appointed by the Board and confirmed by the County Court.

689 Witness in his book, “The Truth about the Voting Machine Deal,” stated that the counters could not be altered without the use of the five keys. The judges and clerks could not operate them without getting all the
690 keys together. In regard to witness’ former testimony about Indianapolis and Milwaukee having some scheme regarding saving money at elections, witness does not know that he had any talk about those subjects with representative of the Empire Voting Machine Company, but had a lot of literature directed to his attention and, in preparing his speech at the City Club, wrote mayors and executive officers and got replies, telegrams, and read them aloud during his speech. He had such replies from Indianapolis and Milwaukee.

691 In what witness has previously stated about a man being able to vote in a minute, he meant that if a man went into a machine without looking at the ticket and how it was to be voted he would be delayed, but if he studied this matter for a few minutes before going into the booth he ought to go in there and vote in a minute. “I have no doubt that any ordinary intelligent man could.”

It is not a fact that blueprints and specifications would be of any assistance to experts in checking up the machine.

Witness had seen the Winslow machine in the Rand-McNally Building and probably put in as much time examining it as he did the Empire machine.

692 “I didn’t attempt to go into the interior of it.”

“Representative JAYNE. Q. There is one question I would like to ask you because I didn’t fully understand it. Up until the time the contract was awarded to the Empire Company, had they ever produced or shown a machine like the one you actually purchased under the contract?

"A. Well, that is a point I am very much confused on; but apparently from the records, we had here this morning, they had produced a 9-column, 70-key machine, and it had been approved, got a certificate from our experts; that is my impression, but I confess I am confused about that."

Witness and Mr. Kellermann constituted a majority of the Board and witness can hardly explain now why they didn't get a new secretary during the trouble over the minutes. They thought the matter would be fixed up from week to week and month to month. Mr. Czarnecki was pleasant, and was the minority member of the
693 Board and witness did not feel like driving. He simply politely invited.

Senator Landee asked if it is not a fact that the first complete Empire machine was not examined by the State Board of Voting Machine Commissioners December 18th and approved by them. Witness answered, "Well, that is a question that I am puzzled over; I do not know; but I think, my recollection now is that a 9, 70 had been produced and examined and approved by our experts before we ever signed the contract."

"Mr. McEWEN. That is not the question. That is just where the difference is. Before the signing of the contract, a full sized machine was produced, but the question of Senator Landee was whether at the time of the awarding of the contract it had been done.

"Senator LANDEE. Q. At the time of the award.

"A. No, but we understood,—I should say I understood that it was simply a question of coupling a few
694 more cars onto a train; that the mechanism was all just alike.

"Q. Up to that time, there had not been any machine of the Empire Company such as was awarded for, on trial, or voted on at any election in the City of Chicago?

A. I am not sure about that. I think there was one under the old Board. They had the machine that was examined by the experts, Empire machine, in 1909. Whether it had been used, if there was one, I don't know—" A. I don't know whether the Illinois Voting Machine Commissioners had examined and validated the Empire machine that was exhibited in 1909; but I am confident if you wish to look up those reports of the old
695 experts, you will find that an Empire machine was examined here in the City of Chicago in 1909 in the fall."

"The WITNESS. I am talking about the local experts here."

"Senator LANDEE. I was referring to the State."

The report of Professor Depuy made in 1909 is produced by the witness, who states that it says that they had examined an Empire machine.

"Senator LANDEE. Q. Was not that Empire machine of the United States Standard type?

"Mr. DENEEN. That is what it was; owned by the Empire Company. Was it not?

"A. No, it was an Empire, I assume. There is the signature."

697

Cross-Examination by Mr. McEwen.

Witness had seen various reports of officials in the State of New Jersey in forming his knowledge of the efficiency, practicability and adaptability and advisability of purchasing them. They were on file in the Election Commissioners' office.

Mr. McEwen shows witness several documents marked for identification 3/0, 4/0, 5/0, 6/0, 7/0 and 8/0.

These documents witness identifies as those he referred to as having seen prior to the voting machine proceedings regarding which he has testified.

698-9 "Mr. McEWEN. The document mentioned as 3/0 is described on the title page as the State Board of Voting Machine Commissioners' Report to the Governor, December 30, 1905, does not say what State, but printed at Trenton, New Jersey, the one referred to as 4/0 is described as the annual report of the State Board of Voting Machine Commissioners of New Jersey, of date December 31, 1906. The one marked 5/0 is described as the annual report of the Secretary of State regarding the use of machines, made in pursuance to provisions of Section 37 of Chapter 215 of the laws of 1905 of Chapter 268 of the laws of 1907, December 30, 1907.

"Mr. DENEEN. What state, New Jersey?

"Mr. McEWEN. These are all New Jersey.

"Mr. DENEEN. Yes.

"Mr. McEWEN. The one marked 6/0 is the annual report of the Secretary of State of New Jersey relative to paper ballots and voting machines and excerpts of the Annual Report of the Secretary of State dated December

22nd, 1908, treating on the paper ballots as used in New Jersey and other states and the use of voting machines in New Jersey. 7/0 is the report of the Committee investigating ballots during the legislative session of 1908, 8/0 is the annual report of the Election Division of the Department of State including the report on voting machines, December 21, 1909.

"Q. And those reports as you read them you consider all to be favorable?

"The WITNESS. Yes, sir, eminently so."

699 As the witness read these reports he considered them all to be favorable.

At the time of exercising his judgment on the voting machine matter and before he had learned "that there were several patents; I don't know how many, but a large number of valuable patents."

700 The counters were substantially of the Veeder meter pattern. They are made by the Veeder Cyclometer Company and have to be bought by this company. There would be 700 of them in a machine of this size. They are used in every machine of the Empire 9-party, 70-key pattern.

"Q. What were you informed at this time was the cost in royalties of each of these counters? A. Forty-five cents each.

"Q. Of the 700? A. Yes, sir.

"Q. So that there was involved in the cost of the machine the sum of \$315? A. Yes, sir.

"Q. And paid for, and the royalty to the Veeder Meter or Cyclometer Company—whatever the designation is, the sum of \$315? A. Yes, sir, to each machine, and the other machines use the same meter, that is, the Veeder meter. Those are not printed, the Winslow and the Triumph use the Veeder meters also, I think.

701 The witness was informed at this time of the general use made of Veeder meters in voting machines and other devices.

VOLUME IX.

Tuesday, July 29, 1913.

9:30 o'clock A. M.

703 HOWARD S. TAYLOR:

Resumes the stand for further cross-examination by Mr. McEwen.

704 The County Judge appoints the Election Commissioners and they hold their sessions or meetings independently of him, that is, he does not attend their sessions, usually. Does not participate in the Election Commission meetings at all ordinarily. The Commissioners consult with him informally, individually. No part of the action of the Election Commissioners in regard to the voting machines was directed by the County Judge, except in the broad particular that he favored the installing of voting machines. Witness thinks that no act or vote, however, was induced or ordered by the County Judge further than that the Election Commissioners knew his views, and after the experts had reported that we had selected a machine, we understood from conversation with him that the County Judge approved of our action.

"Mr. DENEEN. Will you please read that last answer? (Answer read.)"

"Mr. McEWEN. In passing upon the subject of voting machines, had you considered the reports of the Illinois State Voting Committee or Commission, which were produced here and identified by members of that commission the other day?"

"Mr. McEWEN. Those reports I hold in my hands, and they are identified as 'Owens' Exhibits 1 and 2,' marked 'O-1' and 'O-2' for identification, portions of them were read and I offer them in evidence now.

"Mr. DENEEN. No objection."

In passing upon the voting machine question witness had also considered the report of the special grand jury appointed by Judge Freeman, of which Mr. Loesch was special prosecutor, dated December 6, 1908; a certified copy of this report was on file in the office of the Election Commissioners.

It was one of the earliest things that brought the voting machine project to our attention.

706 Grand jury was called to investigate alleged frauds particularly in the primaries of 1908 and, incidentally, to consider the subject of elections generally in Cook County.

708 The grand jury reports were then read in evidence:
"To the

"Hon. HENRY V. FREEMAN,

"Judge of the Criminal Court of Cook County.

"We, the undersigned, empaneled by your Honor on November 4th, 1908, as a Special Grand Jury to investigate misdemeanors and crimes committed in connection with the primary election held in the County of Cook on the 8th day of August, 1908, respectfully present to the Court herewith our report and recommendations.

The Special Grand Jury has found numerous true bills which have been returned into Court against persons who from the testimony produced before the Special Grand Jury appeared to be guilty of misdemeanors and crimes denounced by the laws of this state.

In addition to the testimony directly bearing upon the crimes and misdemeanors, for which true bills were found, the Grand Jury heard much testimony regarding the conduct of said primary election and also general elections, and find and report a deplorable condition of affairs in certain wards, not creditable to the officials who are charged by law with the conduct of elections and disgraceful to the City of Chicago, which has permitted such election frauds to go on almost unquestioned until this time.

We find and so report that no confidence can be placed in the reported results of or against any candidates for a party nomination at said election, and yet that election cost the taxpayers of Chicago fully \$75,000.00.

709 Fraudulent registration leading to fraudulent voting; repeating by platoons of men who were voted first for one party, then for other party candidates at the same precincts; voting names of absentees, non-residents, insane and dead men, accepting false affidavits on behalf of disqualified voters, known to the judges to be so; numerous and flagrant perjuries by party voters to enable them to cast illegal votes; taking votes from non-registered voters without affidavits in support of such votes; fraudulent writing names on the poll books and putting ballots in the boxes to correspond; keeping upon the registers names of men who had removed from the respective

precincts and voting them; voting the same name more than once at the same precinct; disfranchising voters by permitting their names to be voted by others; marking ballots after the boxes were opened; handing voters ballots already marked for certain candidates; marking ballots for voters against their wishes and so putting ballots into the ballot box; intimidating voters and compelling them to vote for candidates contrary to their wishes; strangers and police officers being permitted to handle the ballots after the boxes were opened, so as to permit of fraudulent marking of ballots were proven before us and are by no means all of the devices which we have reason to believe were resorted to in violation of every provision of the election law intended for the security of the voter, the sanctity of the ballot and the accuracy of the result and to defeat the will of the people as expressed by the lawful votes, cast at said election.

From the facts coming to our knowledge we express serious doubt whether there has been any honest general or city election in Chicago for years past.

We report that in our opinion much of said fraudulent voting was done in pursuance of general schemes of corruption, the nature, character and extent of which we had not the time to fully develop.

Almost universally we found the persons immediately responsible for many of said election frauds to be men holding elective offices and men holding responsible subordinate positions in the service of elected or appointed County Officials and of course paid by the taxpayers. Out of such facts grow the creation and continuance of offices serving no other purpose than to draw salaries from the taxpayers for assumed public services, but in fact being used to pay for venal services rendered to party bosses.

We do not wish to say unqualifiedly that no election frauds were committed by civil service employes; but we do report thus far in our investigations no civil service employes, except policemen, have been found to be engaged in such frauds; and the attitude of the police is one of giving negative aid to such frauds by seeing and hearing nothing that was to the prejudice of their patrons, however well it may have been seen and heard by others no better situated than the policemen at the poll.

We are disappointed in having received no aid in the de-

tection of such frauds from the police officers appearing before us.

The inference is a plain one to us, and it is that in the interest of fair elections and better government the coming Legislature should enact a comprehensive civil service law which shall apply strictly to every state, park and county office in the County of Cook, whether the appointees are now appointed by the Governor or by the County Commissioners, clerks of courts, county clerk, sheriff, treasurer, or any other elective or appointed officer of said county.

We further report that corrupt, incompetent, irresponsible, illiterate and characterless men in numerous cases have been appointed and have acted as election judges and clerks of election manifestly in the interest of corrupt and venal persons or parties and for selfish ends to the scandal of the honest citizen and to the discredit of the superiors responsible for such appointments.

- 711 In respect to such appointees, we cannot hold the Election Commissioners blameless. It is the duty of the Election Commissioners in the first instance under the election laws to nominate and appoint honest and properly qualified judges and clerks in the manner and as designated by the election law. We think that quite generally such judges and clerks have been selected and named by the precinct committeemen of the leading parties and
- 712 have thus become the active or willing tools of the precinct committeemen in the work of corrupting the ballot. Sufficient care has not been exercised, in our judgment, to revise the selections of nominations for judges and clerks made by the ward and precinct committees to the election commissioners.

It has been testified to before us and to a certain extent it must be admitted to be true that there are sections of the City in which the Election Commissioners find it almost impossible to name competent and honest men to act as judges and clerks of the election. Conceding this to be so, we yet find that such incompetent and corrupt judges and clerks have not been confined to the districts referred to.

But if such vicious sections were more numerous than they are, it is no sufficient reason for permitting the scandals to go on unrestrained to the degradation of our

public life to the uncountable cost of the taxpayers and to the nullifying of the franchise of law-abiding citizens.

- 712 A remedy should and must be found in the laws to prevent the disorderly and vicious elements from exercising the pastime of stuffing ballot boxes in their disreputable haunts.

- 713 It has been suggested that this evil may in part be overcome by a supervising election official appointed directly by the Governor and free from local influence as is the case in New York City, but this would not be an adequate remedy, would be expensive and would be hostile to home rule to which the people of Chicago are thoroughly committed.

We do, however, recommend the following amendments to the election laws, and in this respect concur in the suggestions made to us by the Election Commissioners:

First. The election law should be so amended as to require compulsory services, if need be, from voters appointed to act as judges and clerks.

There is good and better reason to require such compulsory service as there is in the case of grand and petit jurors and the service is less onerous.

Secondly. That when the emergency exists the Election Commissioners shall be authorized to select qualified voters at large to be sent into other than their home precincts to there act as judges and clerks.

- 714 Thirdly. That the law provide for general Election Commissioners, whose duty it should be to see that all provisions of the election laws are complied with by the judges and clerks of the election and by voters; these to be competent men of character and standing, with police authority, and to report upon the working of the law and to be qualified to act as prosecutors in cases of violation of the law.

Fourthly. Some method of identification of the voter should be required at registration and at the poll, such as his signature or thumb impression to prevent repeating and impersonation by other voters.

The number of illiterate voters who cannot read or write the English or any other language makes it easy to cast fraudulent votes in their names or prevent such voters from voting according to their intention. The law seeks to protect them in their right by requiring one judge of each party to see to the marking of such voter's ballot,

but this was looked upon as almost a dead letter at the said primary election.

Fifthly. Every candidate for any office, including the precinct committeeman, should be denied the right to be present in the polling booth, except during the casting of his vote, and should be denied the right to act as challenger. Nor should candidates be permitted to enter polling places on a round of visits or for any other purpose.

The most active agent in the perpetration of frauds were the precinct committeemen, or candidates for such places, who acted as challengers and intimidated voters, coerced judges and clerks to do their bidding and aided and directed fraudulent and illegal voting.

Sixthly. Amend the general election law so as to require a revision of the registration prior to a primary election, so that any legal voter might have the opportunity to register and vote and thus cut off the voting by affidavit, which was a prolific source of fraud at the primary election.

Seventhly. The Election Commissioners should bring before them all the election judges and clerks in election precincts where complaints are made of inefficiency, incompetency or frauds, or where they have reason to believe without complaint that bad conditions exist, examine them according to law and replace many of the present judges and clerks with qualified men of good reputation.

As every general election costs the taxpayers of Chicago fully \$250,000.00, we should have at least fair elections and accurate counts and returns.

With the best intentions on the part of the judges and clerks, numerous errors are likely to occur where many candidates are voted for, and in a close election no real confidence can be placed upon the stated result under existing conditions.

- 715 Therefore, to reduce the opportunity for errors, prevent frauds, lessen the cost, secure the prompt announcement of the result of an election and prevent the holding back of announcement of results in one ward in order to defeat some candidate who had a lead in other wards, we recommend that satisfactory voting machines should be purchased and installed at each precinct at the earliest practical moment.

There are difficulties in the way of so doing at once, but there was testimony given before us to the effect that

such voting machine suitable to Illinois elections would soon be upon the market, light in weight and at a very reasonable cost compared with voting machines now being made.

As we are convinced from our investigations that much of the misgovernment of Chicago and Cook County and the waste of public money is due to frauds at primary elections, which are the first step in the election of public officials, we recommend and earnestly urge the continuance of the investigation which time did not permit us to conclude in order to detect and vigorously prosecute and punish those guilty of the crimes denounced by the election laws and thereby prevent a recurrence of such frauds, misdemeanors and crimes. To that end we earnestly urge upon the Board of County Commissioners the making of a liberal appropriation for the Special State's Attorney to effectively carry on said work.

We desire to express our obligations to the Board of Election Commissioners and to the chief clerk thereof for the prompt and efficient aid which has been daily accorded to us and to the Special State's Attorney in the investigation of said primary election frauds.

We consider that the People of Cook County, in whose name and by whose authority we have conducted our deliberations, have been outraged by the machinations of certain office-holders of the County which have resulted in the constant financial embarrassment of Special State's Attorney Loesch and his aids. We denounce the men who have thrust upon the County the shame of forcing Mr. Loesch to perform his public duty without the compensation which he is entitled to, and which thus far, he has ably and conscientiously earned, and we denounce the measures by which these men have achieved this ignoble end, and we especially condemn the recent disgraceful conduct of the Superintendent of Public Service, which deprives Mr. Loesch of reimbursement of funds for emergency and other expenses to the amount of \$511.14, which, with generosity and a high sense of duty, he advanced from his private purse.

We vote our unanimous thanks to Mr. Loesch for his courtesy and assistance to this Grand Jury and for the thorough manner in which he made his preliminary inquiry before submitting testimony to our body. We commend the whole-souled and single-hearted devotion to his

public duty of this able special officer of the Criminal Court, and his heroism in battling on in the face of the almost insurmountable barriers placed in his way by those who manifestly either must fear or be interested in stopping this inquiry.

We further commend the able, honest and conscientious discharge of public duty of all of his assistants and investigators; also Mr. Ambrose H. Purdy, Mr. Walter F. 718 McEntire, Mr. Robert M. Buck, Chief Investigator, and more especially the untiring efforts of Mr. Frank Janiseski in the impartial presentation of evidence to our body.

We insist that the honor of Cook County can be vindicated only by a way being found by which fully to reimburse Mr. Loesch for his expenditures and to compensate him for his time and service.

J. S. Richardson,
Foreman.

Sam'l T. Jones, Sec. Special Grand Jury.

Norman H. Davis.

Frank V. Irish.

W. R. Ashton.

Adolph Leffett.

718 Geo. W. Field.

J. Mills.

H. F. Ahlswede.

Henry A. Dedenwald.

Thomas J. Condon.

Florrin William Schmidt.

J. Schmadie.

H. A. Smith.

J. W. Smithson.

Wm. Gillman.

Patrick E. Murnane.

Martin B. Rogers.

Chas. Guesten, Jr.

Chas. F. Stone.

John J. Bryant.

Daniel S. Stern.

John A. Wachter.

720 Mr. McEWEN. Q. Doctor, you stated that you also examined all the different reports of experts in the previous examinations of these voting machines, I believe?

A. Yes, sir.

Q. I will show you a series of documents here purporting to be such reports of examinations. First, a report of November 15, 1907, of Professor DePuy, which I will ask to have marked Exhibit O-10; also document of November 18, 1907, George Olson, to be marked O-11; also document of November 15, 1907, purporting to be a report of Professor Breckenridge to be marked O-12; relating to examinations of Winslow, Columbia, Dean, International, Triumph and United States Standard Machines; and ask you whether those are part of the re-

ports that you examined. A. Yes, sir, those are the original reports filed in the office, which I have found there, and read a good many times.

Mr. McEWEN. I might say to the Committee that I think we will be able to take a short cut on these and save some time.

Q. I will also ask you to look at documents purporting to be reports of experts, which I will ask to have marked Exhibits O-13, O-14, and O-15, respectively, relating to examinations in March, 1908.

Mr. DENEEN. By whom?

721 Mr. McEWEN. O-13 purporting to be a report of an examination by C. E. DePuy; O-14 purporting to be a report of an examination by George O. Olson; O-15 purporting to be a report of an examination by O. A. Leutweiler, and ask you the same question as to whether those were on file and examined by you prior to passing on the subject of the voting machines.

A. Yes, sir.

Mr. McEWEN. I likewise show you what purports to be reports of experts of an examination made in October, 1909, to be marked Exhibits O-16, O-17, and O-18.

Mr. DENEEN. By whom?

Mr. McEWEN. The first being one by DePuy, O-16; the second by Olson, O-17; the third by Leutweiler, O-18, and ask you the same question as to whether those documents were on file and read by you prior to the voting machine proceedings of the Election Commissioners.

A. Yes, sir.

Mr. McEWEN. I will show you a series of documents, to be numbered O-19, O-20, O-21, O-22 and O-23; the first, O-19 being an examination by DePuy, August 3, 1910, of a Caulkins machine; the second, O-20, an examination by DePuy of a Triumph machine, July 20, 1910; O-21 being an examination by DePuy of an Empire machine of July 1, 1910; O-22, being an examination by Olson, July 14, 1910, of an Empire machine, O-23 being a report on several machines, July 14, 1910,—rather, a copy of a report by Olson and DePuy. That may be a duplication of those other reports, I can't tell. And will ask you the same question, as to whether they were on file and examined by you prior to the vote machine proceedings.

722 A. Yes, sir. I recognize some of these as the originals—

Q. While the last one there is a copy? A. —and the other is an office copy made of the entire lot of them. I found that in the office, however, on file with the rest of them.

Q. And were considered by you? A. Yes, sir.

Mr. McEWEN. I ought to have stated,—I believe I read the names of the group that was examined in 1907; the group examined in 1908 were the Winslow, Columbia, United States Standard, American Vote Register, the Willix and the Triumph. The ones in July and August, 1910, were the Caulkins, Empire and Triumph. Mr. Cannon mistakenly stated the Empire was the only one examined in that year.

Q. You heard the reports of the three experts of 1911 read? A. Yes, sir; and I have read them many times.

Q. If there is no objection, I will ask you to read the synopsis that you have prepared of the more prominent features that appealed to you in these voting machine proceedings. I ask this in the interest of saving time, rather than take the documents and go through them at length.

Mr. DENEEN. Will we get the copy of that letter?

Mr. McEWEN. Yes, it can go right in the record.

The WITNESS (reading): "The reports of examinations made by experts under the present Board of Election Commissioners were two in number, viz: on June 20th and July 27th, 1911."

Mr. McEWEN. Q. By the experts appointed by Judge Owens, or, selected by Judge Owens?

A. Yes, I am calling the Committee's attention to that old error. If you will recall there was a pencil notation on a dateless report, which said "July 27th"; as a matter of fact, it was rendered earlier than that it was
724 on July 21st at least, before the signing of the contract.

Mr. DENEEN. Mr. Chairman, I will object to that. That is not responsive to the question, and I think he ought to correct it in interrogative form, if he means to correct that statement. Let us make it responsive and then Judge McEwen can ask you about that.

The WITNESS (reading): "The reason for two examinations"—

Mr. DENEEN. Pardon me. Is that matter stricken out about the 21st, and then he can ask about it later?

The CHAIRMAN. Let that be stricken out. Let the answer be responsive.

Mr. McEWEN. Q. Doctor, I will ask you at that point whether the date of July 27, 1911, refers to the document which was produced here, which was dateless, but bears a lead pencil memorandum, July 27, 1911, and purporting to be a supplemental report of the previous report; is that the document referred to?

A. That is the document.

Mr. McEWEN. All right, that is enough. Go ahead with the reading.

The WITNESS (reading): "The reason for two examinations was that the Empire Machine Company had on hand for the first examination only a 50-key machine, while the specifications required a 70-key machine. They did not wish to be at the expense of building a 70-key machine unless the Board would be ready to buy.
725 The specifications allowed the exhibition of a smaller machine, but provided that the bidder whose type of machine was favored should, before contract was made, produce a machine of 9 columns and 70 keys which should be passed upon by the experts.

This was done. The 50-key machine was examined in June and the 70-key machine in July, 1911.

The experts of the present Board (Abbott, Chamberlain and Wooley) examined all the machines presented in competition in June, 1911. The machines were the Empire, The Triumph, The International and the Winslow. In their rating, p. 12, of their joint report, they estimated the merits of the several machines in the following order:

First, The Empire.

Second, The Triumph.

Third, The International.

Fourth, The Winslow.

They say, on p. 12, "Your commission believes that the voting machine art has been developed to a point where machines may be installed in Chicago with safety and economy and that such installation shall be the means of greatly minimizing the possibility of fraud at the polls."

They say, on p. 4, 'Split voting with the Empire must

be done by pulling down individually the keys which represent the candidates to be voted for and this on a 70-key board will scarcely be done within the one minute's time permitted to each voter in the voting booth.'

726 But they add, on p. 9, 'With the latter machine (the Empire) which has no party lever, split voting requires a few seconds more time than is necessary to vote a split ticket on a machine equipped with a party lever. Your committee commission does not set this up as an important point, but think it should be brought to your attention.'

And they say of the Empire, on p. 4, 'The machine fulfills the requirements of the State law, is very well constructed of suitable and durable materials and is in convenient form for transportation.'

Observe, too, that the State Voting Machine Commissioners April 26, 1911, certified of the Empire, "It is so constructed that each elector can understandingly and within the period of one minute cast his vote for all candidates of his choice." See certificate.

In their last report on the Empire, July, 1911, the experts recommended that change in the machine be made to have larger slots for writing in votes. This was provided for in the contract and was done; Chamberlain, expert, who inspected the first invoice of machines, Feb. 1st, 1912, certified that the improvements had been made.

A digest of expert reports made to the former Board of Election Commissioners gives the following points:

A report was made in November, 1907. There were six machines examined, viz: The Winslow, Columbia, Dean, International, Triumph and U. S. Standard.

727 Three of the above machines now belong to the Empire Company, The Dean, The Columbia and U. S. Standard; and the Empire owned them at the time of the Chicago Contract. The experts who made this 1907 examination were Olson, DePuy and Breckenridge.

A second examination was made in March, 1908. The experts were Olson, DePuy and Lentweiler; and the machines examined were the Winslow, Columbia, U. S. Standard, American, Willix and Triumph, Two of these, Columbia and U. S. Standard, belong to the Empire Company.

A third examination was made in October, 1909. The experts were Olsen, Leutweiler and DePuy; and the machines examined were the Empire, Triumph, Willix and Winslow.

A fourth examination was made in July, 1910, by Olson and DePuy, and the machines examined were the Caulkins, Empire and Triumph.

Note that in all these examinations some one of the machines owned by the Empire Company were always rated highest. Thus:

728 In 1907 Olson reported of the U. S. Standard, 'I consider it the best machine on the floor.' DePuy did not make comparison; and Breckenridge gave the U. S. Standard first place, saying, 'The machine which best fulfills the requirements of a voting machine for the City of Chicago from the standpoint of good mechanical design, good construction, sound mechanical principles, good materials, accuracy and simplicity of operation and recording is the United States Standard Voting Machine. Second in rank and not far behind the first choice I should place the Columbia Voting Machine.'

In 1908 all three of the experts gave the U. S. Standard and the Columbia the preference. In this examination Mr. Olson seems to have reached a point where he regarded machines as purchasable. He said: "In answering question No. 18, 'From your examination and study of the several voting machines are they in your opinion sufficiently perfected so that you would advise the Board to purchase any one of them at this time?' My answer is yes—from a mechanical standpoint, only." In his report on both the U. S. Standard and the Columbia, he said, "This machine is very practical in every way as certain conditions complained of in my last report have been successfully overcome."

In 1909 Leutweiler was the only expert who graded the machines: He gave first place to the Empire. The other two experts constructively did the same.

In 1910 DePuy, reporting on the Empire machine said: "The machine presented, I believe, will receive and record votes in an election accurately and quickly after the machine is adjusted and the voters have received proper instruction and will thus simplify the work of judges and clerks in securing correct returns. To offset these advantages, however, the machine is large, heavy and diffi-

729 cult to move and store." P. 3. Depuy also said in this report: "The material, workmanship and general design are of the same excellent character as shown on the machine previously exhibited; and I believe that this machine would be durable and reliable in action." P. 1.

At this same examination (July, 1910), Olson, the other expert (there were but two) said of the Empire: "This machine seems to have been designed and built with the sole idea of complying with the Illinois law and they have no doubt succeeded but they have lost sight of the many problems confronting a large city, such as transportation, storage and repairs. The machine is entirely too heavy and composed of too many parts and I consider it unwise to purchase any machine of this type at the present time, as I am convinced we can look for great improvements in the near future. The material used in the construction of this machine could not in my opinion be improved on. The workmanship is first class," etc.

Apparently, from DePuy's examination of 1910, the only objections he made were:

- a. Weight.
- b. Possibility of custodian adjusting machine before election so as to defraud.

Olson's objections at the same examination were:

- a. Weight.
- b. Voter who votes straight party vote wishes to see all pointers come down instead of one.
- 730 c. The Company's requirement that machine should "set on level floor"—which he thought indicated defective legs.
- d. Not large enough for primary election.

The answers to those objections are as follows:

Weight. Indianapolis has for eleven years used successfully a heavier machine. Theirs weighs 1,400 pounds. Ours 950 pounds; and the Empire has been used in several elections in Chicago without difficulty.

Straight vote. Turning down one pointer gives the voter as much information as turning down 70 pointers. In either case the voter cannot see the interior of the machine and know what has been recorded. The one pointer turned down is analogous to the one cross at the head of a ticket.

Possibility of custodian manipulating counters before election.

It could not be done. One set of employes before election sets the counters of the machine. Another set of employes inspects and reports to the custodian. Both reports are in writing giving status of machine and counters and both reports must agree. Further, the judges and clerks of election must inspect the counters on election morning and see that all counters are set at zero.

Not large enough for primaries. Mere speculation; but if at any primary one machine be too small two would be used and paper ballots could be furnished for the time in precincts where machines are not supplied."

THE CHAIRMAN. Doctor, that is prepared by yourself?

A. Yes, sir.

MR. JAYNE. On what date?

A. This was comparatively recent, but it was a compilation I made from an old digest, in fact, four or five of them.

732 Mr. Deneen moves to strike the memorandum from the record as he has understood it was prepared before this investigation was called.

"MR. McEWEN. It is made simply to obviate the necessity of making these reports.

"THE WITNESS. The matter was prepared before this investigation begun, two or three weeks before.

"MR. McEWEN. It is not offered on the theory that it is evidence but simply as a time saver."

736 Mr. Deneen renews objection.

Witness explains that the memorandum was part of the preparation he made for the little book or pamphlet entitled "The Truth About the Voting Machine Deal."

Mr. Deneen's objection is sustained and memorandum stricken out.

739 Mr. McEwen here offered in evidence documents which had been identified as Exhibits 10 to 23, inclusive:—

CLARENCE E. DEPUY.
 Mechanical Engineering
 and Shopwork.
 LEWIS INSTITUTE.
 Chicago.

Points Noted Concerning Construction and Operating of
 Voting Machines.
 COLUMBIA.

Voting action is produced by cams and links and is positive.

Parts are few, well designed, well made and apparently are durable.

Springs are not used at all.

Steel stems are too thin to push the wedges down positively.

Stems for the question keys are too short; sometimes the lower end catches on top of the adjoining wedges, causing them to buckle.

Bars between restricting wedges are too short to allow them to swing over far enough to vote easily a group of 10 or more if taken in adjoining end columns.

Counters should be held in cases like the one used for the straight ticket, and like those also should have a mark on the first disc to set zero.

Making the zeros a different color is convenient.

Cumulative vote attachment is very simple and easily set anywhere and makes the number of votes nearly

748 positive. There must be 3 votes for 1 candidate.
 1-1/2 votes for 2 candidates.

1 vote for one, two or three candidates.

It is not possible to set for 2-1/2 votes, but a man does
 743 not necessarily vote for all three if he uses the single candidate group.

U. S. STANDARD.

Voting action is produced in the main by cams, although there are several springs used, and in some places they control important motions.

Construction is good, but there are many parts, and some are not readily accessible.

Restricting wedges stick in some cases, causing keys already set to turn back while setting others.

Cumulative vote attachment can be adjusted on ma-

chines between columns 6 and 26 but cannot be moved the entire length.

The device is somewhat complicated and needs care and skill to adjust. It does not make number of votes positive, for it may be set for 2-1/2 votes.

ABBOTT OR WINSLOW.

Voting action is produced by levers and gears and is positive, no springs are used.

The general design and construction are not good, and some essential parts are not very durable.

744 Position of keys are not positive; after one is set it may be moved again in setting others, especially in group voting.

Grouping device is controlled by a chain giving much friction, which makes the action unreliable. With a certain grouping it is possible to vote 19 vertical columns and 23 in horizontal rows. After a mixed group has been voted, it is very difficult to vote a straight ticket, for the lever moves very hard, caused by the necessary readjustment of the grouping mechanism.

In arranging machine for voting a given ticket it is difficult to connect or disconnect keys and party levers, because opening in front is too small.

Counter wheels have duplicate sets of numbers, the reason is not apparent. One set of large figures would seem to be more desirable.

TRIUMPH.

Voting action is produced by gears and eccentrics and seems to be positive, but connection to counters is not substantial and may become disarranged.

Setting counters to zero is inconvenient.

Grouping is governed by a chain which gives much friction under certain conditions.

Restricting action is produced by the same chain and is not always reliable.

746 Group voting is satisfactory, but the cumulative voting arrangement does not restrict it to the exact numbers.

The means of recording the vote and setting the counters is cumbersome.

(Signed) C. E. DEPUY.

Mr. McEWEN. I next offer and read into the record
747 the report of Geo. O. Olson, dated November 18th:

EXHIBIT "O-11."

November 18, 1907.

*Board of Election Commissioners,
City of Chicago,
Chicago, Illinois.*

GENTLEMEN:—

At your request I have made an examination of the six voting machines installed in your offices and beg to submit the following reports, which I enclose in separate envelopes. I would recommend that the box for the machine selected be made as near dust-proof as possible.

Yours very truly,
(Signed) GEO. O. OLSON."

Nov. 18, 1907.

U. S. STANDARD.

748 The material used in the construction of this machine is practically as specified in their bid.

But the device for cutting out candidates is too weak in construction and very liable to be broken when making the adjustment. This defect is not at all serious as in making up the machines this part can be made a little heavier.

Grouping for 10 County Commissioners or 14 Circuit Court Judges is readily accomplished on any part of the machine and very easily handled.

749 The legislative vote can be applied to any part of the machine providing the extension is made on all the voting levers. This attachment is easily applied but the manufacturer should provide some handy tool for handling the interlocking straps and make it easier to handle.

It is set to vote one, 1-1/2 or three votes independently and is a very practical device. It will also allow of 2-1/2 votes being registered on the voting keys which is a defect that I understand the manufacturers claim to be able to remedy.

This machine is secure against manipulation having a custodian's key provided to unlock the glass doors, the

record can be taken off very easily without opening these doors at the Polling Place.

I wish to call your special attention to the raising and lowering device which is a very great improvement and should be given the greatest consideration.

Also to the automatic closing of the curtains which is in my opinion very essential.

The counters are returned to zero very easily. Restricted voters device is very simple and easily handled. Ballot lock is secure and easy to handle. The face of this machine is very plain and very easy to read and does not in my opinion confuse the voter.

Workmanship and mechanical construction in this machine is very good and I consider it the best machine on the floor.

(Signed) GEO. O. OLSON."

"Nov. 18, 1907.

ABBOTT.

The material used in the construction of this machine is practically as specified in their bid. But the steel that enters into the construction of the doors and the frame that holds the ballots is entirely too light and is very liable to be bent out of shape in handling. The chain which controls the voting mechanism inside of the machine is very liable to cast 2-1/2 or 3-1/2 vote but only three will be counted.

750 The voting for 10 County Commissioners in two columns across the board or for candidates in 5 different parties only 9 votes can be counted.

For lack of time I did not try to group this machine for 14 Circuit Court Judges.

The restricted voters' device is very easily handled.

The method of returning counters to zero by unloosening a set screw and using a screw driver is very slow.

On this machine it is necessary to use two levers to cast a straight party vote which would be very confusing to the voter.

The face of the machine is too congested and hard to read.

The workmanship is fair but for the defects which have been enumerated.

751

(Signed) GEO. O. OLSON."

"Nov. 18, 1907.

INTERNATIONAL.

The material used in the construction of this machine is practically as specified in their bid.

This machine is constructed of many small parts and is very liable to get out of order for that reason.

I am satisfied that if it was stored for six months that you could not move the party lever as there would be a great liability that the slides would gum up and stick. A great many of the keys are very hard to move at the present time.

Voting for County Commissioners in two columns up the board or voting for two commissioners in five different parties you can only cast 9 votes. Did not try grouping for 14 Circuit Court Judges as the manufacturers did not supply a grouping piece for that number. In grouping it is necessary to have a separate piece for each number you wish to group and the pieces would not be part of the machine, only an attachment.

Voting for Legislators is done by casting two 1-1/2 votes, one for each or 3 for one candidate must be written on paper provided in small tubes and dropped into the machine. This is very impractical and should condemn any machine.

752 The voting lever can be moved without the assistance of the judges.

The restricted voters device is simple and easily operated.

The counters are positively locked against manipulation in fact so much that it takes three men to get at them as it takes that number to turn the table over. There is something radically wrong with the metal in the counters as on opening the machine I found any number of teeth broken off, which I enclose in an envelope for your inspection.

Ballot holding is very crude as you must take out small screws from the strips that hold them.

Workmanship fair.

(Signed) GEO. O. OLSON."

“Nov. 18, 1907.

COLUMBIA.

The material used in the construction of this machine is practically as specified in their bid. But the steel tape which draws the wedges into the limited space is too light, and buckles when you wish to release a key.

In voting for 10 County Commissioners in two columns down the board or voting for two commissioners in five different parties, the keys cannot be released independently. The cause of this is the buckling of this steel tape. The same thing occurs when you group machine for 14 Circuit Court Judges only in this case you can vote for 15 judges.

The grouping device is practical and easily adjusted to all positions and I am of the opinion that the manufacturers can remedy these defects.

The straight party vote is controlled by one pointer and the voter cannot tell from the board what candidate he has voted for. This is very simply constructed from the manufacturers' point of view, but I think very unsatisfactory for the voter.

The counters are not positively locked as when the back doors are open it is only necessary to move a small catch and lift a rod and the counters can be removed from the machine. This can be remedied by having a custodian's lock. If the manufacturers have provided for this I failed to discover it.

Voting for Legislators is provided for in three columns and the device is shown on a smaller model which can be easily applied to the sample machine. The device is very practical and is positive in its action.

Total vote counter can be easily manipulated when doors are open, but this can be remedied by taking off a small knob. The restricted voters device is very simple and very easily operated.

Curtains have not been provided and it will be necessary to remove them from the machine and quite difficult to put them back again. This is not a good method as the bars or channels which hold the counters are liable to get damaged.

The workmanship is first class. I would recommend that the cam roller and cam bars be made about 1/4" thicker at the working parts and be case hardened.

(Signed) GEO. O. OLSON."

“November 18, 1907.

TRIUMPH.

Material used in the construction of this machine is practically as specified in their bid.

This machine is weak in construction in the grouping mechanism the slack of the chain cannot be taken up readily and in some combinations of votes the rack and pinion device allows of too much lost motion which makes it difficult of adjustment. Grouping is easily accomplished on any part of the machine. Voting for 10
755 County Commissioners the 10th vote works very hard and in some combinations you can vote 12 votes or in a group of 14 Circuit Court judges 16 votes can be counted.

Voting for legislators is done by casting two $1\frac{1}{2}$ votes with the keys, but if you wish to vote 1 for each or 3 for one candidate you must write the name on the paper for independent candidates. This is very impractical and should condemn any machine.

The counters are not positively locked as when the back doors are open it is only necessary to move the voting lever to a middle position to get out the counters. A custodian key should be provided.

755 The device for locking ballots is very crude. Workmanship only fair.

(Signed) GEO. O. OLSON.

“Nov. 18, 1907.

DEAN.

The material used in the construction of this machine is practically as specified in their bid.

The party levers do not draw the voting studs down far enough to lock the counters, and it is necessary to push them down independently if you wish to count your vote, as in this operation each counter is locked.

Grouping device is very difficult to handle and very intricate, and I am of the opinion that an expert would be
756 necessary to handle this part of the machine. I did not try to group for 14 Circuit Court Judges as the smallest grouping block was No. 11.

The Legislative voting device is a special attachment, but can be applied to any part of the machine.

In voting for Legislators the voter must cast a full com-

plement of votes before he can register. He cannot vote independently at all.

The face of this machine is too congested and very hard to read. I am of the opinion that a machine to be practical must be read by looking straight at the board while standing up.

The counters are positively locked (or unlocked in this case) against manipulation. Restricted voters' device was out of order and would not work. The device for locking ballots is practical.

Returning counters to zero is very practical and easily handled.

The mechanical construction lacks simplicity.

(Signed) GEORGE O. OLSON.

November 18, 1907.

757 GEORGE O. OLSON'S REPORT ON VOTING MACHINES.
Machines examined were:

Winslow (Abbott).

Columbia.

Dean.

International.

Triumph.

United States Standard.

759 Mr. McEWEN. The next document in the report of Prof. Breckenridge, dated November 15, 1907, is as follows:

"EXHIBIT O-12."

Report of the Examination
of

Six Voting Machines
for

The Board of Election Commissioners,
of the
City of Chicago, Illinois.

Approved.

L. P. BRECKENRIDGE,
*Professor of Mechanical Engineering,
University of Illinois.*

Urbana, Illinois,
November 15, 1907.

Urbana, Illinois,
November 15, 1907.

*The Board of Election Commissioners,
of the City of Chicago, Illinois.*

GENTLEMEN:

I take pleasure in handing you herewith enclosed my report on the examination of six voting machines for the Board of Election Commissioners of the City of Chicago. I trust that this report will cover the ground desired.

If I can be of further assistance to you in this matter, command me.

Yours respectfully,
(Signed) L. P. BRECKENRIDGE.
*Professor of Mechanical Engineering,
University of Illinois.*

“Urbana, Illinois,
November 15, 1907.

*The Board of Election Commissioners,
of the City of Chicago, Illinois.*

GENTLEMEN:

In accordance with your request, I have examined the six voting machines named elsewhere in this report, and I have the honor to present the following opinions:

Names of Machines.

The following machines were examined:

1. Winslow Voting Machine,
by Abbott Voting Machine Company.
2. Columbia Voting Machine,
Indianapolis, Indiana.
- 760 3. Dean Ballot Machine,
Minneapolis, Minnesota.
4. International Voting Machine,
Chicago, Illinois.
5. Triumph Voting Machine,
Pittsfield, Massachusetts.
6. United States Standard Voting Machine,
Rochester, New York.

Basis of Examination.

The opinions expressed in this report are based on a series of grades given in two tables which follow: Grade Table No. 1 contains a series of questions or points referred to me by the Board of Election Commissioners

and Grade Table No. 2 contains a series of points prepared by the writer containing some additional points of considerable importance bearing on the final decisions as to the rank of these machines.

VOTING MACHINE CONTEST FOR THE CITY OF CHICAGO.

Grade Table No. 1.—November 9, 1907.

(A)—Questions prepared by Commissioners.

No.	QUESTION	Abbott	Columbia	Dean	International	Triumph	U. S. Standard
761	A. Mechanical Construction	90	95	100	75	75	100
	B. Mechanical Action	60	95	80	80	60	100
	C. Counting Mechanism—Reliability of all parts	100	100	75	...	85	100
	D. Counters—Positiveness of action. Firmness in position. Clinging or freezing of parts. Which has best protection against fraudulent manipulation	100	80	90	90	90	100
	E. Strength and delicacy as to all parts and entire machine	75	100	85	50	85	100
	F. Preventive action. That is, will permit of voting proper number of candidates only	0	100	0	90	0	100
	G. Liability to get out of order, by accident, design, rust, or otherwise	0	100	0	80	0	100
	H. Grouping of candidates. Capacity to arrange for on any part of machine	100	100	100	90	90	100
	I. Party lever—How much more difficult will it be to operate it, on an 8 or 9 column machine with 70						
762							

No.	QUESTION	Abbott	Columbia	Dean	International	Triumph	U. S. Standard
	keys if stored for six months or year	95	100	90	90	90	95
J.	Which machine would be the least liable to be fraudulently manipulated	95	85	95	100	85	100
K.	Simplicity of arranging and preparing for voting	100	100	100	90	100	100
L.	Which permits of group voting with greatest ease and reliability	50	100	50	90	50	100
M.	Cumulative vote for legislative candidates— which machine shows best method for counting, <i>i. e.</i> ,—1 vote each for 3 candidates, $1\frac{1}{2}$ votes each for 2 candidates, 3 votes for 1 candidate	80	100	100	...	...	100
N.	Also grade as to capacity of machine to arrange for cumulative voting on any part of machine	100	100	100	100	100	100
O.	Are any springs used on machine	(2)	(2)	(2)	(2)	(2)	(2)
Total points		1054	1355	1065	1025	910	1395
Average grade		74.7	96.8	76.1	85.5	70	99.8
		5	2	4	2	6	1

(1) Applies to small Columbia.

763 (2) Cannot grade on this question—there were very few springs used on any of these machines that were visible. The specifications must be consulted for an answer to this question.

VOTING MACHINE CONTEST FOR THE CITY OF CHICAGO.

Grade Table No. 2—November 9, 1907.

(B)—Points suggested by writer.

No.	QUESTION	Relative Weight	Abbott	Columbia	Dean	International	Triumph	U. S. Standard
	P. Simplicity of operations before voting	50	100	100	100	100	100	100
	Q. Simplicity of operations in voting straight ticket	70	70 (1)	100	90	85	90	95
	R. Simplicity of operations in voting split ticket	80	60	85	70	65	90	100
	S. Ease of manipulation	50	80	100	0 (4)	75	90	95
	T. Accuracy of recording mechanism	100	65	80 (2)	0 (4)	100	65 (6)	100
	U. Permanency of records	100	100	100	100	100 (5)	100	100
	V. Excellency of workmanship	100	90	95	100	75	75	100
	W. Character of design	100	60	90	75	60	75	100
	X. Correct selection of material	100	90	95	100	85	80	100
764	Y. Ease of provision for cumulative voting	100	80	100 (3)	100	? (5)	0 (7)	100
	Z. Accuracy of plan for voting 10 county commissioners	100	0	100	0	100	0	100
	Total points		795	1045	915	845	765	1090
	Average grade		72.3	95	83.2	84.5	69.5	99.0
			5	2	4	3	6	1

Position of voting board,

**Vertical or horizontal Vert. Vert. Hor. Hor. Vert. Vert.

- (1) Required 2 handles to vote 1 ticket.
- (2) Yes and no were interchanged.
- (3) Plan on small machine examined.
- (4) Machine out of order, might have graded S-95, T-95, if it works.
- (5) Apparently correct, but could not easily examine.
- (6) Index to candidates tended to fly back when voting other candidates of same party.
- (7) No plan provided.
- (8) Average includes grades on machine assumed in working order, see footnote (4).

765 *The Method of Grading.*

It should be stated that the method of grading used in the tables consisted in selecting what appeared to be that machine best satisfying the point or question under consideration and marking that machine 100 for that point. The other machines were then graded as they compared with the 100 mark given the first machine.

Doubtless some comparative weights should be assigned to the several points on which marks were given. In Grade Table No. 2, prepared by the writer, such weights have been suggested. No attempt has been made by the writer to give weights to the questions submitted by the Commissioners as exhibited in Grade Table No. 1, so that the final relative standing as deduced in this table assumes an equal weight for each question. Where no grade is given in the tables, the writer was not prepared to mark that point because of lack of exact knowledge of all the facts. No points of great importance are left without grades.

Result of Examination.

As the result of my examination I am of the opinion that the machine which best fulfills the requirements of a voting machine for the City of Chicago from the standpoint of good mechanical design, good construction, sound mechanical principles, good materials, accuracy and simplicity of operation and recording is the United States Standard Voting Machine manufactured by the U. S. Standard Voting Machine Co., Rochester, New York.

766 Second in rank and not far behind the first choice I should place the Columbia Voting Machine, manufactured by the Columbia Voting Machine Company, Indianapolis, Indiana.

Various faults of design, construction, character of materials or poor operation place the other four machines considerably below the first two and it would not be just to attempt any comparative ranking of these four machines.

Respectfully submitted,
(signed) L. P. BRECKENRIDGE,
*Professor of Mechanical Engineering,
University of Illinois.*

“Supplemental to report on Voting Machines for the City of Chicago:

For purposes of publication, if such should be desired, it may be that the preceding report is sufficient. You requested me, however, to make any statements I might choose setting forth my reasons for certain opinions advanced in this report, and this I have decided to do in the following pages which may be regarded as supplemental to the main report.

GENERAL DISCUSSION OF PRINCIPLES INVOLVED IN THE OPINIONS EXPRESSED.

767 When any mechanical device is invented and constructed to accomplish a new purpose or to perform an ordinary service in a new way, it is frequently the duty of an engineer to pass judgment on such new device or apparatus as to its value or as to its efficiency in accomplishing the specific purpose for which it was designed. There are three fundamental principles which must be given consideration in the attempt to reach a just conclusion in all such examinations. The principles referred to are concisely expressed by three words: Design, construction, materials. If perfection is to be reached, each of these three principles must be understood and intelligently used in the construction of any and all engineering works or manufactured articles.

Design.

The design of a mechanical device, a typewriter, for instance, will take many and varied forms according as the designer wishes to emphasize some special features or because he gives much attention to those methods of production which will result in cheapness of first cost. Just which form will appeal to the public cannot always be foreseen. But whatever the final shape taken by any

device may be, there are certain mechanical principles which must not be violated or the design is defective.

- 768 Again, when a machine is designed which must be operated by many different people, it is highly important that not only may this machine be correctly operated by such as are generally familiar with similar mechanisms, but it must be so designed that it cannot be wrongly operated by those unfamiliar with mechanical devices in general. It must then be so simple and so easily operated that it will be clear to the operator that he has properly operated it. On the matter of design there will be much opportunity for a difference of opinion. This will be due to the difference in the training of the experts whose opinion is expressed. The practical expert may entirely overlook a violation of the principles of mechanics, and the theoretical expert may fail to comprehend that certain methods of construction used are vital to the design if the machine is to be made a commercial success. While therefore the matter of design is of the utmost importance it might easily occur that there should be in this respect a wide difference of opinion among experts making a careful examination of any device, as well as among the users and purchasers of the device itself.

Construction.

- By this is meant the character of the workmanship employed in carrying out the constructive plans contemplated by the design. Good workmanship can be passed upon easily by expert or non-expert alike. Good construction at the right points is essential to satisfactory and lasting operating. Poor construction may easily
769 ruin a good design. Inferior construction may sometimes be justified in early models where the machine does not enter into competition with other machines, but when it does enter into such competition the workmanship should at least be equal to that which is contemplated for the machine when it is placed on the market.

Materials.

The determination of the materials to be used for each part of a machine might rightfully be considered as a part of the design. It is, however, of so much importance that the writer prefers to give it equal prominence with design and construction. The materials used in any ma-

chine should be chosen with reference to their strength, durability, ease of manufacture, adaptability, and cost. Opinions may differ somewhat as to the best material suited for various machine parts, and the change in the price of some metal such as zinc or copper might make the use of different materials justifiable at different times.

769 The mistakes to be avoided are the uses of materials which deteriorate either in use or when at rest. The use to which the machine is to be put will often determine the material to be used. While only steel or wrought iron is permissible in a power plant boiler, neither of these materials should be allowed in a residence heating boiler, the latter demanding cast iron, which endures non-use in summer much better because of its lesser tendency to rust.

APPLICATION OF THE ABOVE PRINCIPLES TO THE VOTING MACHINES EXAMINED.

The matter immediately preceding this section has been presented in order to indicate in a general way the point of view of the writer, which has resulted in the opinion expressed in this report. With this explanation, there need only be recorded a brief statement as to how each of the machines examined fulfills or fails to fulfill those conditions which should be made to determine the standing of any and all mechanical devices.

1. *Winslow Voting Machine.*

(1) The design (60) was defective as follows:

(a) Must operate two handles to vote one straight ticket.

(b) Position of black pins whether out or in not easily observed.

770 (c) The plan for group voting is defective because a chain is used to determine the number of candidates that may be voted for.

(2) The construction was satisfactory. (90.)

(3) The materials were satisfactory. (90.)

771 2. *Columbia Voting Machine.*

(1) The design (90) was good and could easily be made a satisfactory machine. Should criticise:

(a) Split ticket not easily voted and it is not very clear what has been voted.

(2) The construction was very satisfactory. (95.)

(3) The materials were satisfactory. (95.)

3. *Dean Ballot Machine.*

- (1) The design (75) was defective as follows:
 - (a) Horizontal board not as good as vertical.
 - (b) Positions of square pins not easily observed.
 - (c) Voting pins not easily operated without moving others.
 - (d) Sacrificed clearness for compactness.

This machine was evidently out of order when examined, which gave it low-grade mark, but even in working order its design is defective as indicated above.

- (2) The construction was most excellent. (100.)
- (3) The materials were very satisfactory. (100.)

4. *International Voting Machine.*

- (1) The design (60) was defective as follows:
 - (a) Horizontal board not as good as vertical.
 - (b) Position of voting pins not easily observed.
 - (c) Sacrificed clearness for compactness.
 - (d) Some parts of machine were too small.
- 772 (e) Much difficulty in arranging for the printing of results.

(2) The construction (75) was not easily seen internally, but in general was not up to the grade of some other machines.

- (3) The materials (85) were fairly satisfactory.

5. *Triumph Voting Machine.*

- (1) The design (75) was defective as follows:
 - (a) The use of a chain for group voting made tampering possible, a poor mechanical device for this purpose.
 - (b) Voting pins turned down would fly back when other names in same part were voted.
 - (c) Was not arranged for all means of voting called for in the specifications.

- (2) The construction (75) was not very good.

(3) The materials (80) were not well selected for prevention of rust when machine was out of use.

6. *United States Standard Voting Machine.*

(1) The design (100) was evidently the best of the machines examined. The grade of 100 does not signify perfection of design, but only means that this machine should be graded the highest and so it is marked 100 so that the other machines may be easily compared with it.

- (2) The construction (100) was most excellent.

(3) The materials (100) were very satisfactory.

Explanations.

In the above brief review there has been inserted the grade numbers from the grade table No. 2. This serves to show just what valuation has been put on the three important points which may in a measure be taken to represent the standing of these machines.

In Conclusion.

The problems which are presented to the designer of voting machines are certainly complicated and difficult. It is evident that the designers and the builders of the six machines upon which a report has herein been presented have all made a most careful and intelligent study of the problem. It has not been a simple undertaking to form an opinion which shall do exact justice to all of the machines examined.

- 773 Whenever any point of defective design or construction was clearly evident in any machine, that particular machine was not as carefully examined for grading under other points. Still, after all, the writer feels that the result of grading the several points considered, reaches a result corresponding with that general all around opinion which is formed by an inspection of the various machines, combined with an attempt to operate each machine according to the directions furnished and from the point of
- 774 view which would be taken by the great mass of voters for the use of whom the machine was designed.

I desire to express to your honorable Board my appreciation of the confidence you repose in me when you ask my opinion as to the merits, from a mechanical standpoint of the voting machines submitted for purchase, to the City of Chicago. I thank you for your assistance rendered during the days of the examination. I trust you will find hopeful suggestions in what I have reported.

Respectfully submitted,

(Signed) L. P. BRECKENRIDGE,
*Professor of Mechanical Engineering,
University of Illinois.*

Nov. 15, 1907.

Professor Breckenridge's Report on Voting Machines:
 Machines examined were
 Winslow (Abbott).
 Columbia.
 Dean.
 International.
 Triumph.
 U. S. Standard.

775 Mr. McEWEN. I am reading from O-13, report of C. DePuy, on the American Vote Register, the Columbia, Triumph, U. S. Standard, Winslow and Willix. I will read his resume and then confine my reading, I think, to the U. S. Standard and Empire Machine unless the other side should prefer to have it all.

Mr. DENEEN. It will all be printed in full in the record.

Mr. McEWEN. Oh, yes.

Mr. DENEEN. Regardless of what you read?

Mr. McEWEN. Yes, I assume so; I am furnishing them with copies that are offered in evidence.

Mr. DENEEN. All right.

The CHAIRMAN. What is the date please?

Mr. McEWEN. The date is March 9, 1908, the next year.

POINTS NOTED REGARDING VOTING MACHINES.

The grading of these voting machines on the basis asked is, in some respects difficult, and I fear may be the cause of some misunderstanding. The counters, for instance, are nearly all made by the Veeder Cyclometer Company, and are of practically the same construction, and hence are of the same reliability. On the Winslow and U. S. Standard machines the counters are made on the same principle, but the parts are larger, and, I think, more durable. They are not enclosed in separate cases, but are embodied in the general construction of the machines. On the Winslow there is a spring hook that catches over a ratchet wheel attached to the unit counter which turns the wheel one notch for each vote. The counter is good, but the connection may not be positive, always.

776 The Standard operates in a similar way, but has not a spring catch.

The Columbia has each counter pinned on a square shaft that makes a complete revolution for each vote or unit on the counter, and I consider the action more positive and the whole mechanism more reliable, although the counters are not secured as rigidly on the machine as those on either the Winslow or the Standard.

The counters on the Triumph machine are rigidly held in place, and the voting action is positive, but the pin, through which connection to the counter is made, is not substantially held onto the counter disc, and I think will in time work loose. The keys on this machine do not seem to be very firmly held in the voting position, and after being once set are sometimes moved back to the non-voting position in the manipulation of other keys. The method employed for restricting the number of votes is practically the same on the Columbia, the U. S. Standard, and the Winslow, but the number of pieces employed is much less on the Columbia, and the action is smooth, and I think reliable. A more positive action would be secured, however, by making the steel strips connecting the voting keys to the restricting wedges thicker, and hence stiffer. I found that the wedges do not always go down the entire distance. The restricting wedges used on the revised Triumph Machine are a great improvement over the chain, but the action is not as positive as it ought to be. The restriction depends entirely on the width of the wedges at the line of action, and a little wear on the wedges, pins or raising strips will change this width
777 enough to make a large group unreliable. On the three machines before mentioned the wedges become parallel blocks in the voting position, and a little wear on the lifting mechanism will not affect the number that can be voted. The principle used in restricting the cumulative vote is also the same on the Columbia, the U. S. Standard, and the Winslow, but again the Columbia has much the simpler construction. The possibility of adjustment and result are the same on the U. S. Standard, but there are many more pieces employed, and they are much more delicate and more likely to get out of order. On the Winslow machine the number of combinations is not as great, and the device cannot be moved to another part of the machine without also changing the raising strips and wedges, which would add considerable work and annoyance.

As a result of my investigations of the six machines shown, if I were to choose one of them, I should select the Columbia. It seems to accomplish all that any of them will, except that it does not show the actual arrangement when voting the straight ticket; it has fewer parts than any of the others, and is simpler to adjust and maintain in the proper working order.

The U. S. Standard.

This machine also meets all the requirements as to the arrangement of tickets and group voting, but it has many parts and springs which make it quite complicated, and I think it might be difficult to maintain. It is also heavy and hard to transport.

The Winslow.

- 778 This machine is not as readily adjustable to any and all conditions as it should be, and the action is not always positive in voting a ticket, the knobs do not return to their extreme position, which makes it possible to tell by inspection some, at least, of the candidates that have been voted.

The Triumph.

The changes made in this machine make it much more reliable than it was at the previous contest, but the restricting for the groups is not entirely reliable, and I think it has too many moving parts in the connection to the keys to be durable. The cumulative vote arrangement also is not readily adjustable to any part of the machine.

The American Vote Register.

The construction of this machine is such that its action is entirely unreliable. It could very easily be put out of service during an election by one so inclined, even if it would vote right at the beginning.

The Willix.

This machine is evidently in a very crude and unperfected state. It has some interesting points, but as shown its action is entirely unreliable.

I do not consider any of the machines shown to be suitable to the needs of the voters of Chicago. These that do the work satisfactorily are too large and un-

wieldy, and would, I think, be a cause of constant annoyance and expense in excess of any gain derived.

Very truly yours,

(Signed) C. E. DePuy.

March 9, 1908.

Mr. McEWEN. I read from the report of March 10, 1908, from C. A. Leutwiler on the same group of machines:

URBANA, ILLINOIS, March 18, 1908.

The Board of Election Commissioners of the City of Chicago, Illinois.

GENTLEMEN:—

Enclosed find my report on the examination of six voting machines for the Board of Election Commissioners of the City of Chicago. Trusting that the report will give you the information you desired, I am

Yours very truly,

(Signed) O. A. LEUTWILER,

Assistant Professor in Machine Design.

Report of the Examination

of

Six Voting Machines

for

The Board of Election Commissioners

of the

City of Chicago, Illinois.

Approved

O. A. LEUTWILER,

Assistant Professor of Machine Design

University of Illinois.

Urbana, Illinois, March 10, 1908.

URBANA, ILLINOIS, March 10, 1908.

The Board of Election Commissioners of the City of Chicago, Illinois.

GENTLEMEN:—

In accordance with your request I have examined the six voting machines named below and I have the honor to present the following report:

Make of Machines.

The following machines were examined:

1. American Vote Register.
2. Columbia Voting Machine.
3. Triumph Voting Machine.

- 781 4. United States Standard Voting Machine.
 5. Willix Voting Machine.
 6. Winslow Voting Machine.

Basis of Examination.

The opinions expressed in this report are based on a series of grades given in the following tables, the first of which contains a series of questions referred to me by the Board of Election Commissioners and the second a series of questions suggested by the writer, which influence to a certain degree his final decision as to the rank of these machines.

Basis of Grading.

The grades in these tables are arrived at as follows: The machine that seemed to satisfy the requirements of the question under consideration in the best manner was marked 100. The other machines were then graded by comparing them with the one selected as the ideal.

The average grade given at the bottom of Table No. 1 is based upon the assumption that each question is of equal weight. Probably it might have been well to assign weights to the various questions as some are of more importance than others. This was attempted in Table No. 2, as indicated in the second column.

General Discussion.

- 782 In order to arrive at correct conclusions in the examination of these voting machines the following fundamental principles were given serious consideration.

I. Design.

A voting machine must be so designed that any one familiar with mechanical devices is capable of operating it easily and at the same time correctly. Probably the most important point in the design of these machines is that which absolutely prevents the fraudulent manipulation of the machine by either the voter or the judges. The question of what material to select for each part is another important point and is considered by the writer as a part of the design. The size and weight of a machine must also be considered, as a bulky and heavy machine increases the storage and carting charges and at the same time the polling places must be so selected that the machine may easily be installed. A voting ma-

chine which is very complicated requires more skilled experts to prepare it for voting and to maintain it in proper working order.

II. Construction.

By construction is meant the character of workmanship employed in the making of the machine. Many well designed machines have turned out to be failures due to faulty construction. In a voting machine it is essential to have good construction as that prolongs its life considerably, and keeps down the repair charges.

APPLICATION OF THESE PRINCIPLES TO THE MACHINES EXAMINED.

(1) *American Vote Register.*

This machine is very simple considered from a mechanical standpoint, and required but two operations when voting a straight ticket. When voting a split ticket this machine is very inconvenient in that a large number of levers must be handled, and in voting for County Commissioners, University Trustees, Judge of Circuit Court and Representatives in the General Assembly the names of the candidates one wishes to vote for must be written on a separate ticket. These tickets are then inserted in the proper slots provided near the bottom of the machine. By proper manipulation the writer cast two such ballots in each case. The possibility of doing this is a very serious defect of the machine. It was also possible to cast two votes for the same party, when voting a straight ticket, which is another serious defect in the design. Another disadvantage of this machine is the large number of ballots that must be counted by the judges, which is one of the points a voting machine should avoid. One lock is not sufficient to secure the machine against fraudulent manipulation as any one of the judges in the absence of the other two might easily operate the machine to the advantage of his party. The selection of the materials for this machine and its construction are very satisfactory as indicated by the grade in Table No. 2.

The machine has an advantage in that it is of small size and weight thus decreasing storage and carting charges.

(2) *Columbia Voting Machine.*

The design of this machine is probably the best of any machine the writer examined. The operations required for voting a straight ticket are very simple and easy to perform. In voting a split ticket a voter may encounter some difficulty in telling at a glance for whom he has voted. This is due to the use of round knobs instead of small levers as is done in some of the other machines. This machine works very satisfactorily for all groups and cumulative voting, and it was impossible to so manipulate the keys that more than the legal number of votes could be cast in any one case.

A serious defect of the machine is that by the use of a strong rubber band, the writer was able to deprive a voter of several votes. This rubber band was so located that it was rather difficult for an ordinary person to detect. The fact that the keys make a complete revolution and always in the same direction makes it more difficult to attach the rubber band than in some of the other machines. This machine has advantages over the
785 U. S. Standard in that a rubber band placed on any key so as to lock it, will not affect the vote when a person votes a straight ticket, as the machine is equipped with a "straight party key."

It is practically impossible for the judges to manipulate the machine fraudulently, as two locks having separate keys are provided, thus one judge of one party takes one key and the other goes to the judge of the second party. This means that both parties are represented when the machine is being prepared for the voting. The same remarks apply when the polls are closed and the votes are being counted.

The selection of the material and the workmanship in this machine are of a very high class and in the opinion of the writer this machine comes nearest fulfilling all the requirements of an ideal voting machine.

This machine occupies considerable space and is rather heavy.

(3) *Triumph.*

The design of this machine was defective in the following points: (1) In voting a split ticket the small brass keys in some instances are hard to operate. (2) In voting for the fourteen judges of the Circuit Court,

the grouping mechanism was found to be defective in that the writer was able to vote for fifteen judges. In this connection it might be mentioned that the part of this machine used for voting for the above named judges is supposed to be an improved device over the chain mechanism formerly used. It is understood that the entire machine was not arranged for voting for County Commissioners as called for by the specifications. (4) With a sufficiently strong rubber band it is possible to hold some of the keys so that some votes may be lost, unless the voter detects the rubber bands. (5) The machine has an insufficient number of locks to secure it against fraudulent manipulation by the judges.

The following are some of the advantages the machine possesses: (1) If a mistake is made in voting the keys may be put back into the original position very quickly by means of the lever resetting. (2) The space occupied by the machine, also its weight is less than some of the other machines.

The selection of the material might be improved upon, also the workmanship.

(4) *United States Standard Voting Machine.*

786 The design of this machine comes up to about the same standard set by the Columbia machine as the grades given in the tables indicate. The operations for voting a straight ticket are not quite as simple as those on the Columbia in that all the keys are moved which makes it harder to operate. Voting a split ticket the operations on this machine are about the same as those on the Columbia. The keys on this machine are in the form of small levers painted black, which enables one to tell at a glance for whom a person has voted. The machine works satisfactorily for all group and cumulative voting, and it is impossible to so manipulate the keys as to permit a person to cast more than the legal number of votes in any one case.

787

As in the Columbia machine the writer could by means of strong rubber bands very readily deprive a voter of several votes. It is easier to attach rubber bands to the keys of this machine than it was on the Columbia as these keys are angular and furthermore do not make a complete turn.

A sufficient number of locks having separate keys are

provided on this machine which prevent fraudulent manipulation by the judges while the machine is being prepared for voting. The same may be said of opening the machine to count the votes after closing the polls.

The materials used and the workmanship in this machine are as good as on any machine examined, and in the opinion of the writer this machine is almost the equal of the Columbia. It is rather bulky and about the heaviest machine examined, which are points not in its favor.

(5) *Willix Voting Machine.*

The design of this machine was defective in the following points: (1) In group voting the mechanism was found defective, and the writer was able to vote for twenty-one judges for the Superior Court where seventeen should have been the maximum allowable. (2) It was possible to cast nine votes for Representatives in the General Assembly instead of only three. (3) Neither keys nor counters are numbered or marked so that it is a rather difficult matter to insure a correct count. (6) The machine is not equipped with sufficient locks to prevent manipulation just before opening the polls also after closing.

The selection of the materials used in this machine might be improved upon considerably also the workmanship. The machine is not very heavy and does not take up so very much room.

(6). *Winslow Voting Machine.*

788 The design of this machine is fair though not quite as good as in the case of the Columbia and U. S. Standard machines. Some of the defects are as follows: (1) When voting a straight ticket all the keys on the board are operated which necessarily makes it work a trifle hard. (2) The machine is equipped with two separate levers which must be operated by the voter, one at the entrance end of the machine which sets the machine when the voter enters and the other registers his vote as he passes out. (3) Since the voting keys are round and are perpendicular to the board it is not so easy to see readily for whom one has voted. These keys must all be pulled outwards in voting. (4) The writer found that some of the keys in the County Commissioners group would not

remain in the out position, but would continually slide back, thereby depriving the candidate of those votes. (5) In examining the interior of the machine at the bottom, the writer found a rubber band attached to a lever but could not find out for what purpose it was there.

As in the Triumph machine we have a releasing lever which quickly brings all the keys into the original position if a mistake is made in voting. The machine is rather heavy but does not take up excessive room. In weight it is next to the U. S. Standard.

The selection of materials and workmanship is very satisfactory. The machine is secured against fraudulent manipulation by the judges by only one lock which is not sufficient.

789

CONCLUSION.

The writer having given Professor Breckenridge some assistance in the first examination of the voting machines submitted to your Board in November, 1907, cannot help but remark upon the improvements made in some of the machines since that time. The question immediately arises, why will not voting machines continue to improve until the fraudulent manipulation mentioned in the foregoing section of this report will be entirely eliminated. Until this is accomplished the Board of Election Commissioners of the City of Chicago would be entirely justified in postponing the purchase of voting machines.

In the opinion of the writer the machine that comes nearest to fulfilling all the conditions required of a voting machine is the Columbia Voting Machine. Next in rank and not far behind comes the United States Standard Voting Machine.

The writer wishes to thank your honorable Board for the assistance rendered and the courtesies shown during the days of the examination.

Respectfully submitted,

(Signed) O. A. LEUTWILER,
*Assistant Professor of Machine Design,
University of Illinois.*

791 VOTING MACHINE CONTEST FOR THE CITY OF CHICAGO,
GRADE TABLE No. 1—March 4, 1908.

Questions prepared by Commissioners.

No.	QUESTION	Ameri- can	Col- umbia	Tri- umph	U. S. Stand- ard	Wil- lix	Wins- low
	1. Mechanical Construction....	50	100	80	100	50	95
	2. Mechanical Action.....	50	100	80	100	50	90
	3. Counting Mechanism, Relia- bility of all parts.....	100	100	100	100	100	90
	4. Counters:						
	(1) Positiveness of action	100	100	100	90	100	100
	(2) Firmness in position...	100	100	100	100	100	100
	(3) Clinging of freezing of parts.....	100	100	100	100	100	100
	(4) Which has best protec- tion against fraudu- lent manipulation...	0	100	100	100	0	100
	(5) Strength and delicacy as to all parts and entire machine.....	50	100	95	100	50	100
	(6) Preventive action that is, will permit of voting proper num- ber of candidates only.....	0	100	0	100	0	50
	(7) Liability to get out of order by accident, design, rust or other- wise.....	90	100	75	100	75	75
792	(8) Grouping of candidates to arrange for on any part of machine.....	100	100	0	100	100	100
	(9) Party lever—how much more difficult will it be to operate on an 8 or 9-column mach- ine with 70 keys—if stored for six months or a year.....	100	100	90	90	100	90
	(10) Fraudulent manipula- tion which machine would be less liable thereto.....	25	100	50	95	25	95
	(11) Simplicity of arranging and preparing for voting.....	100	100	100	100	100	100
	(12) Group voting which machine permits of same with greatest ease and reliability..	25	100	75	100	50	90

No.	QUESTION	Ameri- can	Col- umbia	Tri- umph	U. S. Stand- ard	Wil- lix	Wins- low
	(13) Cumulative vote for Legislative Candidates—Which machine shows best method of counting, i. e., one vote for three candidates, 1½ votes for two candidates, three votes for one candidate, one vote for one candidate and two votes for another candidate	25	100	95	100	90	100
	(14) Grade Machine—As to capacity for arrangement for cumulative voting on any part of machine.....	100	100	100	100	100	100
	(15) Springs—Are there any used on machine....	2	4	36	9	9	63 times No. of keys
793	(16) Grade—As to liability of machine to get out of order or become injured by being hauled to and from polling places.....	100	100	100	100	100	100
	(17) Separate Report State by means of report separate from this, in your own way, your suggestions, advice, etc.; also any points that deal with the merits or demerits of the several machines—that is, a resume of the good and bad points of each machine.						
	(18) From your study and examination of the several voting machines, are they in your opinion sufficiently perfected, so that you would advise the Board to purchase any one of them at this time.						
	Average Grade.	66	100	81.5	99	71	91.7

No.	QUESTION	Relative Wgt.	Amer- ican	Colum- bia	Tri- umph	U.S. Stand- ard	Wil- lix	Wins- low
1.	Simplicity of operation before voting.....	50	100	100	100	100	100	100
2.	Simplicity of operation in voting straight ticket...	50	100	100	90	90	100	90
3.	Simplicity of operation in voting straight ticket...	100	25	100	95	100	80	90
4.	Ease of Manipulation.....	50	60	100	90	95	70	90
5.	Accuracy of recording mechanism..	100	100	100	100	90	100	100
6.	Permanency of records.....	100	100	100	100	100	100	100
7.	Ease of provision for cumulative voting.....	100	25	100	95	100	80	100
8.	Accuracy of plan for group voting....	100	0	100	0	100	0	90
9.	Character of design	100	60	100	85	100	60	95
10.	Correct selection of material.....	100	85	100	80	100	60	95
11.	Excellency of workmanship.....	100	95	100	75	100	75	95
12.	Size and weight....	50	100	95	95	90	95	90
13.	Simplicity of voting restricted ticket.	50	100	100	100	100	-	100
Average grade.....			68.5	99.8	82.6	97.8	73.8	95.2

795 Mr. McEWEN. The next is the report of March 10, 1908, of Geo. O. Olson:

“Chicago, March 10, 1908.

*Board of Election Commissioners,
of the City of Chicago.*

GENTLEMEN:

At your request, I have examined the several voting machines installed in your office and am pleased to submit the following reports.

In making the report on the diagram, I have left out three of the machines, namely the American Vote Register, Willix, and the Triumph. The Triumph and the Willix have many points which I think will be good when fully developed, but at the present time the machines are in such a crude and unfinished condition that I cannot see my way clear to make a report.

In answering Question No. 18, "From your Examination and Study of the several voting machines, are they in your opinion sufficiently perfected so that you would advise the Board to purchase any one of them at this time?" my answer is "Yes," from a mechanical standpoint only.

If there is any other questions which I have not covered in my reports, I would be pleased to come to your office at any time and answer them to the best of my ability. Thanking you, I remain

Yours very truly,

(Signed) GEO. O. OLSON."

Winslow Voting Machine.

The machine is entirely new in the internal working parts and is very practical, but the face of the machine is practically the same as the last machine, with the exception that the keys run across the face instead of up and down, which is a very great improvement, but I found that in voting, especially where the vote is split, that you could not readily see when a pin was out or in without examining very closely, and I found also that the voting plugs were not always positively locked in position.

The cumulative voting device or attachment for Legislative candidates is practical and positive and accurate in all combinations, but is not adjustable to any part of the machine.

Grouping is easily accomplished, but I am of the opinion that the screws which fasten the grouping blocks are not positive.

In grouping for ten county commissioners, and voting the Republican column, the plugs or pins will not always
796 stay in the voting position.

(Signed) GEO. O. OLSON."

"Columbia Voting Machine.

797 This machine is very practical in every way, as certain conditions complained of in my last report have been successfully overcome. The Cumulative voting device or attachment for Legislative candidates is very good, being made up of very few parts, and is very easily adjusted to any part of the machine, and in voting for the Legislators it is positive and accurate in all combinations.

Grouping is more easily accomplished on this machine

on account of the accessibility of the different parts, and it is impossible to vote for more candidates than the machine is grouped for.

I am of the opinion that the weight of this machine could be reduced a great deal without impairing the efficiency in the least.

I wish to again call your attention to the lack of a custodian lock which I think is very essential and can be placed on this machine without adding any additional weight.

(Signed) GEO. O. OLSON."

"U. S. Standard Voting Machine.

This machine is a very practical machine in every way, and certain conditions which I criticized in my last report have been successfully overcome.

798 The cumulative voting device or attachment for legislative candidates is good, but is not as simple as on some of the other machines, as it is composed of too many parts and the method of adjustment on the horizontal rods merely adds weight, but in voting for the Legislators it is positive and accurate in all combinations.

Grouping is easily accomplished, but the horizontal rods mentioned above are slightly in the way. But it is impossible to vote for more candidates than the machine is grouped for.

In my last report, I called special attention to the glass doors to be opened with the custodian key, but upon further thought and consideration, I am of the opinion that the glass doors are more of a detriment than otherwise, as they are very liable to be broken in shipment from the warehouse to the polling place, and it is my opinion that they add more weight than security.

I am of the opinion that the weight of this machine could be reduced a great deal without impairing the efficiency in the least.

(Signed) GEO. O. OLSON."

Mr. McEWEN. I read from O-16, the report on the voting machines by DePuy of October 12, 1909, the Empire, the Triumph, the Willix and the Winslow.

"Report of the Board of Election Commissioners of the Results of Investigation of Voting Machines.

October 12, 1909.

EMPIRE MACHINE.

Construction.

The material, workmanship, and general design are very satisfactory. The working parts, so far as I have been able to get at them for examination, are made of steel, galvanized or coppered, generally, brass, bronze, aluminum, or white metal composition, and I think there would be but little tendency to rusting. A few bars, pins, etc., are of plain steel, and they should be galvanized or made of brass. The workmanship is excellent, and the parts fit well together, so that, for the most part, the action is positive and very reliable."

VOLUME X.

Tuesday, July 29th, 1913.
Afternoon Session.

HOWARD S. TAYLOR:

802 *Cross-Examination Resumed by Mr. McEwen.*

Mr. McEwen reads from Exhibits 10 to 23 offered by him, the part applying to the Empire Voting Machine, as follows:

"Counters.

The counters and operating mechanism I consider very positive and durable. The parts of the counters proper are comparatively long, and are therefore not so liable to be broken as those that are made with small and delicate parts. The turning down of the voting key moves the operating mechanism in such a manner that the counter cannot fail to register, and unless the key has been turned down the counter cannot move. The counters are locked at all times and can only be moved by the operation of the machine after the keys have been turned down by the voter, or when the operating mechanism is dropped below its normal position by turning up two handles inside the lower rear door when the operating handle is locked, as is necessary when setting the counters to zero. After this adjustment is made the counters can be readily

turned in either direction to zero, but if they are turned backward they will move until all the wheels are at zero, and then they will stop positively, which is a great convenience in setting.

The counters are held securely in substantial aluminum cases, which fill the back of the machine and cover the working parts of the key spindles and restricting strips, but if it should be necessary to get to these working parts to adjust or repair the machine, these cases and counters can be readily removed and replaced again.

Individual Restriction and Grouping of Candidates.

The restricting strips for the individual keys are neatly made, light and yet strong, and have small wedges which cause the restriction. These wedges slide between rollers, which gives very little friction, and the grouping of candidates can be accomplished anywhere on the machine by removing one or more pins passing through these rollers. The removal of a pin does not change the spacing of the rollers, but allows the wedges to be pulled up in a different order. No adjustment of screws or insertions of additional wedges is necessary, and the grouping seems to be positive.

Cumulative Vote Device.

803 The attachment for cumulative voting can be placed anywhere on the machine, and as it is used only to prevent voting in more than one at a time of the cumulative groups, the actual restricting of the number of votes is done with the regular wedges and rollers. It is very simple, and as far as I have been able to operate it, entirely effective.

804 As the device is shown it allows of arranging the candidates in four groups of three keys each, and two, three, or four of these groups can be used as desired. The ticket now placed on the machine uses but three of these groups. Two of them operate together on the restricting device and allow three votes for either of the two candidates or two for either one of them and one for the other. The other group operates independently and allows $1\frac{1}{2}$ votes for each of two candidates, leaving one key a blank. This group on the device should be arranged so that either two or three keys could be controlled by it, and then if but two candidates are on the ticket, there need be no

blank key left. The device does not permit of voting 1½ votes each for two candidates by using a single key, but it could be made to do so by a slight modification.

Fraudulent Manipulation.

As the machine now stands, it is possible to vote a straight ticket of any party with the straight ticket key, and at the same time vote a straight or split ticket with the regular candidate keys anywhere on the machine. It is done by first pushing down the release lever, which allows individual candidate voting, then returning this lever and holding it up and at the same time pulling down and gently shaking a straight ticket key. Pulling down the individual key release lever pulls up a restricting wedge in the straight party group, which locks the straight party wedges all out and at the same time operates a slide which turns up all the individual restricting clips which hold down the wedge strips connected with the individual keys. When the release lever is held up and the straight party ticket key shaken, the restricting wedge pulled up by the release lever gradually works down and drops into its normal position, but the slide controlling the rod carrying the individual restricting clips does not return to its normal position by the shaking process, and so the restricting devices are all off, and the machine is free to be voted in both ways at the same time. The reason the wedge strip operated by the release lever drops down while the restriction slide stays up is that the hole in the bar that pulls the slide up is a slot, and after the slide is up the pin on the release lever is free to go down without moving the slide. If this slot were omitted the shaking of the machine could not return the restricting wedge, and the machine could not be made to vote double. This slot is put in this strip to allow the restricting slide to remain up when the machine is used in a primary election, but this is unnecessary, for the machine works just as well, when arranged for primary voting, with this slide working in the regular way and the restricting clips turned up individually. This restricting slide has another attachment, a little swinging arm marked 'B,' by which it may be disconnected entirely in a primary election and so take off all the restricting clips, but it is unnecessary, as has just been shown, to remove the restriction in this way, and if during a regular elec-

tion this slide should happen to be left disconnected anyone could vote a straight ticket in both ways, or they could vote a straight and a split ticket at the same time without any extra manipulation.

Restricted Voters Can Vote Straight Ticket.

Another possibility of error exists in the machine which is not necessary and can be very easily avoided. The rod controlled by the restricting lever on the end of the machine does not carry a clip to restrict the straight party vote. If a clip were placed on this rod (there is a place for it) over the straight party wedge strips, those who are expected to vote for the University Trustees only could not vote a straight party ticket, as they can now.

Primary Voting Device.

The mechanism for arranging the machine for primary voting is simple and easy to adjust and operate. If necessary, several of the horizontal bars can be arranged to be grouped together to serve for one party, and yet all are controlled by the primary lever as easily as if only one bar for a party were used.

807 *Positive Action.*

The swinging arm 'B' and the slot in the vertical bar which operates the restricting slide are evidently intended to throw the slide out of action when using the machine in a primary election, but they are not necessary, and if they were left off I think the machine would be positive and reliable in its action. All parts are well proportioned and accurately made. The movements of the parts are controlled by cams or levers, but few springs are used, and they are in places where they are not likely to give trouble.

Party Bars.

Party bars are used only for restricting purposes in primary elections, and if they were used with a party lever to make all the keys move when voting a straight ticket, it would be necessary to redesign the whole mechanism and make it more complicated.

TRIUMPH MACHINE.

Construction.

808 The materials used in this machine are largely steel and brass. Most of the steel is either enamelled or galvanized, but some pieces are left uncoated, and they would be likely to rust. The machine is put together in such a way that many of the parts are difficult to get at for adjustment or repairs.

Counters.

The regular 'Veeder' counters are used, but they are operated by a special disc carrying a crank pin engaged by a lever turned down upon the pin by the voting key. These crank discs and pins have a rather loose connection, and when the levers turn down, the pins are not always in just the right position for them to go down all the way, and this might cause a counter to fail to register, although I have never found that to be the case, even when the pins were not properly engaged.

The method of setting the counters seems cumbersome, and the rack and gears which have to be disengaged need some indicating marks or stops for engaging them again. In setting the counters two men are required, and very careful watch has to be kept in order to stop the counters at just the right point. When the doors are open to read the counters, the counters are locked against movement, unless disconnected for resetting. The counters are small, and their parts are quite delicate, but they probably are strong enough for their work.

809 *Individual Restriction and Grouping of Candidates.*

The device for restricting the individual voting keys, when properly adjusted, works very well, but when a change is made to a group, then some adjustment has to be made, and it is difficult to tell just which one of the screws in the group ought to be turned to keep the strips alike. A change in the adjustment of the individual keys affects the ease of voting in a large group. When the adjustment is right only the proper number can be voted in a group, but I think this adjustment will change slightly in the process of voting during an election.

Cumulative Vote Device.

The device for cumulative voting allows voting the legislative ticket in five ways, viz.: $1\frac{1}{2}$ votes for each of two with one key; 3 votes for one with but one key; $1\frac{1}{2}$ votes for each, two keys to be used; 2 votes for one candidate and one for another, two keys to be used; 1 vote for each of three candidates, three keys to be used. This device discards the regular restriction, and the different combinations are obtained by special wedges in the cumulative attachment. There is no way to adjust these wedges, and the strips connecting them to the key strip are not stiff enough to hold them in proper connection. After the machine was put in adjustment by its representatives I could vote without much difficulty in all of the last four
810 of these groups, making a total of $7\frac{1}{2}$ votes, all for one or for different candidates, all in one party or any parties.

Primary Device.

The primary restricting device seems to be satisfactory, but if more than one bar is to be used for a party the election judge would have to keep careful watch to see that the restriction slides were properly set.

Positive Action.

After the last key has been turned in a group where the adjustment is made close to restrict to the proper number of votes, I find that sometimes the restricting wedge would not drop to its normal position when a key was turned back, thus making it impossible to change the vote if desired.

Party Bars.

This machine has a bar and lever for each party, so that the straight ticket can be voted by simply pulling this lever, and the keys of all the candidates voted for are moved by the operation. After the party lever is pulled the vote can be 'scratched' or 'split' as much as desired. The connection between the individual keys and party bar is very easily made.

811

WILLIX MACHINE.

Design and Construction.

The design and execution of this machine are in many respects crude and unsatisfactory, so that it can not be considered as a salable machine at the present time.

Handles and Counters.

The handles or voting keys are long and weak, making them very liable to injury. A different device would have to be used in a practical machine. The counters are the 'Veeder,' and have a simple star-wheel for turning them. There is no device for locking them in position, and the hooks and cams by which the wheels are turned are unsubstantial.

Restricting Device.

The device for restricting the number of votes is entirely different from any of the other machines, and seems to be entirely satisfactory in principle, but several details are poorly worked out.

This same statement applies to the machine as a whole, and I will not note individual items further.

WINSLOW MACHINE.

Design and Construction.

812 This machine is poor in design, construction, and operation. I do not find any redeeming features. The party levers, with one exception, cannot be operated, the individual keys pull too hard, and the party bars are not stiff enough, the restricting wedges and supporting strips are too heavy and clumsy, the bell-cranks operating them are poorly supported and connected. The mechanism for returning the voting keys has too much back lash, and the keys do not come back to their proper place. The handles of the voting keys are long and slender and liable to be bent, which would prevent their operation. The screws which adjust the restriction wedges are very difficult to adjust properly, and the cumulative vote restricting device frequently does not return after it has been raised. The number that can be voted in a group is very uncertain and depends on the order in which the keys are operated.

Counters.

The counters are unreliable in their action, being moved and held by springs, which do not always work. The device used for setting counters to zero has to be placed in a position which makes it difficult to read the counters, and when the machine is adjusted for voting it is then sometimes possible to read the counters from the front of the machine.

- 813 As shown by this report, not one of the machines exhibited is satisfactory in its present condition, but if the changes suggested were made, the Empire machine would be reliable and positive in its action. The Triumph also no doubt can be made to vote more positively, but considerable work would have to be done before they eliminate all its faults. This machine has the party bars and levers, which I think makes the proper way of voting the straight ticket, but I do not see how they could be applied to the Empire machine without adding very much to the complication of the mechanism.

The cumulative voting attachment of the Triumph machine provides for voting in all the desired ways, while the Empire does not, but the Triumph attachment is unreliable, and the Empire is positive. Another group could be added, if desired, to the Empire device without difficulty.

While the Empire machine can, with a very little changing, be made to do all it claims to do, I am not sure that it would be best for the Board of Election Commissioners to purchase them at the present time. The same trouble exists now that was present two years ago, although not to so great an extent. The machines are large and heavy, difficult to handle, and awkward to store.

- 814 I think the Empire machine will stand the moving very well and will not be liable to get out of adjustment, but whether it is wise for the Board to incur the expense and trouble that will come with these machines I do not feel competent to say.

Respectfully submitted,
(Signed) C. E. DEPUY."

Mr. McEWEN. I have now the report, Exhibit "O-17," of Geo. O. Olson, dated October 11th, 1909 (reading):

Chicago, Oct. 11th, 1909.

*Board of Election Commissioners,
of City of Chicago.*

GENTLEMEN:

815 At your request, I have examined the several voting machines installed in your office, and beg to submit the following reports:

I am of the opinion that voting machines have not been perfected to such a degree that they would be useful in any large city. I am of the opinion that the art to-day as expressed in these machines is in such a condition that we may look for improvements very shortly that will far surpass anything which has so far been shown.

And for reasons given above and in my reports, my answer to questions #18 and #19 is "No."

Yours very truly,

Signed. GEO. O. OLSON.

TRIUMPH VOTING MACHINE.

Ballot lock is good with the exception that the locking bar on the right hand end should be secured in the center as the way it is it can easily be pried off.

Restricting latches have been provided for primary elections for all the parties, but I found three of the latches which I could not move. Alignment of keys good.

816 Independent voting device works good. Curtains should be made of some opaque material.

October 11th, 1909.

(Signed) GEO. O. OLSON.

EMPIRE VOTING MACHINE.

The material used in the construction of this machine could not in my opinion be improved on, and the outside finish is fine. The workmanship is first class. I wish to call especial attention to the high grade of work on the counters and counter holders. It is in my opinion very high grade work.

The straight party vote is controlled by one pointer and the voter cannot tell from the face of the machine what candidates he has voted for. This is a very simple construction from the manufacturers point of view, but I think very unsatisfactory for the voter. I called special

attention to this (I call it a defect) in my report of Nov. 18th, 1907, on the Columbia Voting Machine.

The cumulative voting device is very good and can be arranged very easily on any part of this machine.

The grouping can also be applied to any part by simply pulling out a pin or putting one in and is very handy, but there is no adjustment for wear in the limited space as in the case of the Triumph, and it is a question if it is necessary. I consider that both the cumulative and grouping devices are very good and easily handled.

- 817 I found two defects in the voting levers which I consider very serious. The voter can vote the straight ticket and then by moving the release lever he can vote the straight again, and also vote for all the rest of the candidates separately and register two votes for every candidates.

The other defect was in the restricted vote as in the case of the University Trustees. The restricting lever which the judges are supposed to move does not do the work it is designed for, as it does not restrict the straight party lever. The restricted voter must first pull the releasing lever before she can vote for the trustees or she can vote the straight ticket.

EMPIRE VOTING MACHINE.

The following extract from the literature on this machine speaks for itself. "It is important that the machine should stand on a solid level floor. (This would be hard to find in a great many of the precincts.) If it is found that either of the doors bind when they are opened or closed it is because the floor is uneven. Shifting the position of the machine to give it a level footing or raising one of the legs slightly with a block so that it will stand level will overcome the difficulty."

- I am of the opinion that the fault would not be in the floor, but in the construction of the lower part or legs of this machine. The judges and clerks are not as a rule machinery movers, and that is what they ought to be to handle a machine that weighs 800 pounds, and put it upon the legs. The danger of accident would be very great.
- 818 I would not accept any machine that was constructed along these lines. The machine should be self-contained and have a raising and lowering device similar to the

other machine so that they could not be affected by an unlevel floor.

Outside of the defect in construction which I have mentioned in the foregoing, it is first class. The ballot lock is simple and effective, but the bar at the right end which holds the strips into place, should have a key lock. The resetting device on this machine is to be commended for its simplicity.

Alignment of keys good.

This machine is very secure against manipulation, as the counters are locked and cannot be moved without opening the lower door, and as I understand the keys to this door are held by the custodian. A very effective device has been provided for primary elections and in our trial worked perfectly. Independent voting device works good.

Curtains should be made of some opaque material.

October 11th, 1909.

(Signed) GEO. O. OLSON.

TRIUMPH VOTING MACHINE.

The material used in this machine is good, but the finish on the outside is not up to standard. Workmanship only fair.

Machine is supplied with voting levers, which, when pulled votes the straight party ticket, and throws down
819 all the keys at once allowing the voter to see that all the keys have been voted.

The cumulative device can be applied to any part of the machine, but is not easily handled. It is composed of a great many parts. I am of the opinion that it could be made to work all right if properly made and adjusted, but it would require extreme accuracy.

The way it is made at the present time, I find it defective and you cannot vote for the legislative candidate properly. The voter can vote $4\frac{1}{2}$ votes for the candidates.

Grouping on this machine is easily accomplished and can be adjusted on any part of the machine by pulling out a small strap or pushing one in. An adjustment has been provided to take up any wear in the limited space.

Restricted voters' device is good and secure and works perfectly. The operating lever works very hard, and

rough, due to a defect in the design of main rack. I would suggest a roller bearing for this part.

The counters are too small and lack rigidity, and are not positively locked when the doors are opened. They are not easily manipulated, but they are not perfectly secure as in the case of the Empire, public counter is hard to get at to set.

Resetting on this machine is very slow and it would take two men at least to reset these counters. The raising and lowering device is good, and the machine is on wheels which makes it easy to handle and I do not believe that it requires a solid level floor to stand on.

820

WINSLOW VOTING MACHINE.

The material used in the construction of this machine is good and the outside finish is first class. Workmanship is only fair. The straight party levers do not work properly, due, as I understand to lack of time to adjust them properly.

The cumulative voting device is first class and can be applied to any part of the machine, but it is not easily applied.

Grouping can be accomplished with difficulty.

Restricted voters' device has not been finished on this machine, but the bar provided for that purpose should have a center support. Counters cannot be condemned too severely, as they are controlled by springs and the method of applying them is very bad. They are not positively locked, but they cannot be manipulated until the front plate is taken off. It is not necessary to take this plate off to see the counters.

Resetting device is very slow and difficult to handle. Lock nuts should be provided on all screws in the bell-cranks.

Alignment of Keys Poor.

The voting keys are not positively locked, and they often fall back to non-voting position. A spring has been provided to hold them in place, but it is very liable to get out of order.

This machine is in such an unfinished condition that it was impossible to make a practical test.

October 11th, 1909.

(Signed) GEO. O. OLSON.

WILLIX VOTING MACHINE.

821 The material used in this machine is good, but all the parts are in such a rough and unfinished condition that it is almost impossible to judge what the finished machine will look like.

There are some very good ideas on this machine and I am of the opinion that when fully developed will prove of great value. I refer especially to the grouping device which is an entirely new principle on voting machines. Even in the crude condition it is at the present time, it works perfectly, but the springs which control the segment gears are absolutely worthless as they would never hold their shape.

The cumulative device can be applied to any part of the machine but does not at the present time register the proper vote. Keys are entirely too weak and are easily bent.

Counters and method of turning them are very weak and unsecure and can be manipulated easily when the doors are open. I do not believe that the manufacturer of this machine ever expected to get any credit for this part of their machine.

October 11th, 1909.

(Signed) GEO. O. OLSON.

Report on Voting Machines--Olson, Oct. 11, 1909.

Willix,
Winslow,
Triumph,
Empire,

Mr. McEWEN. I will now read from Exhibit "O-18,"

Prof. Leutwiler's report, dated October 15, 1909.

822 "URBANA, ILLINOIS, October 15, 1909.

The Board of Election Commissioners of the City of Chicago, Illinois.

GENTLEMEN:

Enclosed find my report on the examination of four voting machines for the Board of Election Commissioners of the City of Chicago.

Trusting that the report will give you the information you desired, I am,

Yours very truly,

(Signed) O. A. LEUTWILER,

Assistant Professor of Machine Design.

Report on the examination of four voting machines for the Board of Election Commissioners of the City of Chicago, Illinois.

Approved

O. A. LEUTWILER,
Assistant Professor of Machine Design,
University of Illinois.
Urbana, Illinois, October 15, 1909.

URBANA, ILLINOIS, October 15, 1909.

823 *The Board of Election Commissioners of the City of Chicago, Illinois.*

GENTLEMEN:

In accordance with your request I have examined the four voting machines named below and I have the honor to present the following report:

Names of Machines.

The following machines were examined:

1. Empire.
2. Triumph.
3. Willix.
4. Winslow.

Basis of Examination.

The opinions expressed in this report are based on a series of grades exhibited in tables forming an appendix to this report. The first of these tables contains a series of questions referred to me by The Board of Election Commissioners, and the second contains a series of questions suggested by the writer, which influence to a certain degree his final decision as to the rank of these machines.

Basis of Grading.

The grades in these tables are arrived at as follows: The machine that seemed to satisfy the requirements of the question under consideration in the best manner was marked 100. The other machines were then graded by comparing them with the one selected as the ideal.

824 The average grade given at the bottom of Table No. 1 is based upon the assumption that each question is of equal weight. Probably it might have been well to assign weights to the various questions as some are of

more importance than others. This was attempted in Table No. 2 as is indicated in the second column.

General Discussion.

In order to arrive at correct conclusions in the examination of these voting machines the following fundamental principles were given serious consideration.

I. Design.

A voting machine must be so designed that any one unfamiliar with mechanical devices is capable of operating it easily and at the same time correctly. Probably the most important points in the design of these machines is that which absolutely prevents the fraudulent manipulation of the machine not only by the voter, but by the judges as well. The question of what material to select for each part is another important point and is considered by the writer as a part of the design. The size and weight of a machine must also be considered, as a bulky and heavy machine increases the storage and carting charges and at the same time the polling places must be so selected that the machine may easily be installed. The ease with which a machine in a storage house or polling place may be handled is another item not to be overlooked. For example a machine on wheels is by far more convenient than one having removable
825 legs. A voting machine which is very complicated requires more skilled men to prepare it for voting and to maintain it in proper working order. Furthermore, all parts of the machine should be accessible for inspection.

II. Construction.

By construction the writer has in mind the character of workmanship employed in the making of the machine. Many well designed machines have turned out to be failures due to faulty construction. In a voting machine it is absolutely essential to have good construction as that prolongs its life considerably, and keeps down the repair charges.

APPLICATION OF THESE PRINCIPLES TO THE MACHINES EXAMINED.

(1) *Empire Voting Machine.*

The general design of this machine is probably the best of any machine the writer examined. This machine possesses the following good points: (a) the operations required for voting a straight ticket are very simple and easy to perform. (b) For voting a split ticket the operations are simple, and in case a mistake is made or one wishes to change, it may be done very readily. (c) The operations performed by the 'Judge of Election' in permitting a 'restricted voter' to vote are simple, but at the time this machine was examined it was not properly set up, in that a 'restricted voter' could not vote for the 'University Trustee to fill vacancy' which should have been possible. (d) The operations performed by the judge during a 'primary' are simple, but the machine was not set up properly for primary voting when the writer examined it. (e) The grouping of candidates could be done on any part of the machine. (f) The plan used for group voting or the so-called 'interlocking device' is accurate, likewise the device for cumulative voting. (g) The recording mechanism and counters work very satisfactorily and are well designed. (h) The selection of the material is excellent, also the workmanship is of a very high grade. (i) The machine is amply protected against fraudulent manipulation by the judges in that it is locked by several separate locks and keys, thus permitting the keys to be divided between the judges. This means that at least two parties are represented when the machine is being prepared for voting. The same remarks apply, when the polls are closed and the count is being taken off the machine.

The machine has the following defects: (a) The machine is fairly large and is supported on legs, thus requiring dismantling when preparing it for voting and storage. To do this requires at least three strong men and generally four. (b) The greatest defect is that the machine permits of casting an illegal vote. This may be done as follows: Vote a straight ticket first, next turn the straight party knob back and lower the release lever as if voting a split ticket. Then raise by means of a quick jerk the release lever and again vote by means of

the straight party key; next turn down the keys of all other candidates you wish to vote for. By this line of procedure I was able to cast votes for any party or split it up as I saw fit. This point indicates a serious defect somewhere in the design of the interlocking device as used on the straight party column.

(2) *Triumph Voting Machine.*

The Triumph machine possesses the following good points: (a) The machine being mounted on wheels is readily moved about and prepared for voting. Less men are required in handling this machine. (b) The operations required for voting a straight ticket are very simple and easily performed. (c) The operations required for voting a split ticket are simple. A mistake made in voting may be corrected very readily. (d) The operations performed by the judge in permitting a 'restricted voter' to vote are simple, but as in the Empire
827 machine, this machine was not set up to permit a voter to cast a vote for the 'University Trustee to fill vacancy.' (e) The machine is easily prepared for primary voting. (f) The grouping of candidates may be done on any part of the machine. (g) The recording mechanism and counters work satisfactorily, but in setting them back to zero in getting the machine ready for an election it takes two men to do it properly. (h) The
828 selection of the material is fair also the workmanship. The machine has the following defects: (a) The device used for cumulative voting is defective, as I was able to cast an illegal vote as the following will show:

First Combination: For G 25 I cast one vote. For E 25 or 26 I cast one vote. For B 23 I cast two votes. Total vote cast is four.

Second Combination: For A 15 I cast 3 votes (party). For A 20 I cast $1\frac{1}{2}$ votes. Total vote cast is $4\frac{1}{2}$ votes.

Third Combination: For A 15 I cast 3 votes. For C 15 I cast 3 votes. Total vote cast is 6.

Fourth Combination: For A 15 I cast 3 votes. For A 20 I cast $1\frac{1}{2}$ votes. For A 23 I cast 2 votes. For A or D 25 I cast 1 vote. Total votes cast is $7\frac{1}{2}$ votes.

828 (b) During a primary election a dishonest judge may allow a voter to vote for two or more parties by pushing in the corresponding number of 'Primary Hooks' in the back of the machine. The machine in my mind should be

protected against this. (c) A large number of the keys are rather hard to turn when voting a split ticket. This is due to the interlocking mechanism being set rather close.

829 (3) *Willix Voting Machine.*

The Willix machine possesses the following good points: (a) The operations for voting a straight ticket are simple and easy to perform. (b) The operations for voting a split ticket are simple and a mistake made in voting may be readily corrected. (c) The grouping of candidates may be done on any part of the machine. (d) The mechanism used for group and cumulative voting is very good and ingenious, though some of its constructive details might be improved upon. It prevents illegal voting absolutely, in fact, I consider it the best mechanism for that purpose that I have examined.

The machine possesses the following defects: (a) No provisions are made for restricted voting. (b) The keys which are perpendicular to the face of the machine are too frail and by bending them, the machine could readily be put out of commission. (c) Some of the keys worked a trifle hard. (d) The recording mechanism is far from being perfect, and the counters are not protected securely against tampering by the judges. In fact, the machine should be locked by more than one lock and key. (e) The most serious defect in this machine is that it may be manipulated fraudulently in the following manner: Push in the "mixed party key" and vote an entire party ticket or whatever you desire. Next jerk back rather quickly the "mixed party key," and then vote the "straight party key" that you desire, thus being able to cast two votes. (f) The workmanship is of an inferior grade, and the selection of the material could be improved upon.

830 (d) *Winslow Voting Machine.*

The Winslow machine as submitted by the manufacturers was worthy of very little serious consideration, for the reason that it was not a finished piece of work. The keys worked too hard, due to the unfinished conditions of the detail parts. Furthermore, only one party lever was in working condition and that worked much too hard. The writer is of the opinion that this

machine might work fairly easy after all the parts are fitted together properly. The mechanism used for group and cumulative voting looks as if it might be accurate providing it were constructed with care. The recording mechanism does not embody good design, and each counter has at least four springs, thus making the total number of springs, on a nine party seventy-key machine, due to this one source alone, as 2,520. Furthermore in bringing the counter back to zero when preparing the machine for an election, requires two men and considerable time. The machine may readily be set up and moved about as it is mounted on wheels. The selection of the material is fairly satisfactory.

CONCLUSIONS.

The writer feels that some improvements have been made in the design of voting machines since the investigation of a year and a half ago. However, there seems to be considerable more to be done along that line, before the voting machines will stand the thorough test that they necessarily must be subjected to, and until the defects mentioned in the foregoing sections of this report are entirely eliminated, the writer recommends that the Board of Election Commissioners of the City of Chicago postpone the purchase of voting machines.

The one machine that in the opinion of the writer comes nearest to fulfilling all the conditions of a voting machine is the Empire Voting Machine.

The writer wishes to thank your Honorable Board for the assistance rendered and the courtesies shown during the days of the examination.

Respectfully submitted,

(Signed) O. A. LEUTWILER,
*Assistant Professor of Machine Design,
University of Illinois.*

GRADE TABLE No. 1

QUESTIONS PREPARED BY BOARD OF COMMISSIONERS

No.	QUESTION	Em- pire	Tri- umph	Wil- lix	Win- slow
	1. Mechanical construction.....	100	85	50	50
	2. Mechanical action	100	80	75	25
	3. Counting mechanism reliability of all parts.....	100	100	100	75
	4. Counters:				
	(1) Positiveness of action.....	100	100	90	100
	(2) Firmness in position.....	100	100	90	100
	(3) Clinging or freezing of parts.....	100	100	100	100
	(4) Which has best protection against fraudulent manipulation.....	100	100	0	100
	5. Strength and Delicacy:				
	As to all parts and entire machine. .	100	90	50	90
833	6. Preventive Action:				
	That is, will permit of voting proper number of candidates only.....	0	0	0	0
	7. Liability to get out of order:				
	By accident, design, rust or otherwise	100	100	50	50
	8. Grouping of Candidates				
	Capacity to arrange for on any part of machine.....	100	100	100	100
	9. Difficulty of operation—Party lever (a)				
	How much more difficult would it be to operate a Willix machine with 9 columns, 70 keys, if stored for six months or a year.....			Not much harder	
	(a) How much more difficult would it be to operate these other machines after having been stored for six months or a year.	100	100		90
	10. Fraudulent Manipulation:				
	Which machine would be less liable thereto.....	100	90		?
	11. Simplicity—of arrangement and pre- paring for voting.....	100	80	90	75
	12. Group voting:				
	which machine permits of same with greatest ease and reliability.....	100	100	100	?
	13. Cumulative vote legislative candidates:				
	Which machine shows best method of counting one vote for three can- didates, one and one-half votes for two candidates, three votes for one candidate.....	100	90	100	?
	One vote for one candidate and two votes for another candidate.....				
	14. Grade Machine:				
	As to capacity for arrangement for cum- ulative voting on any part of machine	100	100	100	?
	15. Springs: Are there any used on the machine?.....	Yes	Yes	Yes	Yes
	16. Grade: As to liability of machine to get out of order or become injured by being hauled to and from polling place	100	100	100	100
	Average grade.....	95	90	76	54

GRADE TABLE No. 2.

QUESTIONS PREPARED BY WRITER.

No.	QUESTIONS	Relative Weights	Em- pire	Tri- umph	Wil- lix	Wins- low
	1. Simplicity of operations before voting.....	5	5	5	5	5
	2. Simplicity of operations in voting 'straight ticket'.....	5	5	4	5	4
	3. Simplicity of operations in voting 'split ticket'.....	3	3	3	3	3
	4. Simplicity of voting 'restricted ticket'.....	2	2	2	?	?
	5. Simplicity of operations in 'primary voting'.....	3	3	3	?	?
	6. Protection against fraudulent manipulation.....	10	8	8	5	?
834	7. Accuracy of recording mechanism.....	10	10	10	10	?
	8. Permanency of records.....	10	10	10	5	10
	9. Accuracy of plan for cumulative voting.....	10	10	0	10	?
	10. Accuracy of plan for group voting.....	10	10	10	10	?
	11. Character of design.....	10	10	9	5	5
	12. Correct selection of material.....	10	10	9	6	10
	13. Excellency of workmanship....	10	10	9	5	5
	14. Size and weight.....	1	$\frac{1}{2}$	1	1	1
	15. Ease with which the machine may be set up.....	1	$\frac{1}{2}$	1	1	1
	Average grade.....	100	97	84	71	44

Mr. McEWEN. I have now the report Exhibit "0-19" of C. E. DePuy, dated August 3, 1910. (Reading):

"Report to the Board of Election Commissioners of the Investigation of Caulkins Voting Machine.

August 3, 1910.

General Design and Arrangement.

This machine is of an entirely different type from any of these previously shown, and it has some important advantages and also, I think some disadvantages.

835 The machine is comparatively small and much lighter than any other I have seen, but the method of voting a ticket is not altogether desirable. One end of a paper ballot, arranged with the candidates of each party in vertical columns, is attached to a horizontal driving bar connected at each end to an endless chain, and the other end of the ballot is brought around and pasted on the first and over the driving bar. The ballot is thus made

into an endless strip which moves along the space of one name each time a voting lever is operated.

The counters, made of three small wheels, with ten type numbers and ratchet teeth on each and rotating loosely on a pin, are connected together by links forming a chain of the same pitch as the chain moving the ballot. When the machine is operated the ballot and counter chains both move, but as the sprockets carrying them turn in opposite directions the ballot and the counters on the inside of the machine move along together and in the same direction. Each name on the ballot thus has its corresponding counter and at the proper place on the machine they always come together.

The returns, after the voting is finished, are determined by bringing the ballot and counters into actual contact and making the counters print the number of votes cast opposite the corresponding name on the ballot. This printing can be done rapidly and the returns can be quickly and accurately obtained.

As a check on the setting of the counters, before the voting begins all counters may be set to 999 and printed on the ballot, then all can be advanced one number, setting them all to 000 and again printed on the ballot. This would show on the ballot that all counters are working and that they are all set right before the voting begins.

Method of Voting.

The candidates are voted for singly and the name of each must be brought to the proper place on the machine in order to record the vote. To accomplish this there are provided at the bottom of the machine ten levers, one for each of eight parties indicated, one for the independent vote, and one for a no vote column. This no vote lever provides a means of moving the ballot along without recording a vote for any candidate. The name of the candidate being voted must be between two lines on the glass front of the machine, and when in this position, if the corresponding lever at the bottom is pulled, the counter operating mechanism is set ready for action, and when the handle is pushed in, the ballot and counter chains are advanced one link, the counter pawl operates on the ratchet of the counter of the candidate voted for and advances this counter one number. At the same time

a dial restricting mechanism is turned one space and if it is a single office candidate voted, the restricting mechanism releases and the machine is set ready to vote the next candidate. If the candidate voted is in a group of several for the same office, then the restricting device is retained in action and voting can continue either in the same column or party, or in the same line by pulling the lever of some other party until as many levers have been pulled as there are votes allowed in this group. The pulling of this last lever sets a restricting bar on the bottom of the machine and prevents any more voting levers being pulled until the voting levers have been pushed in and the restricting device released. If the voting in the group has all been done on one ticket, the pushing of the lever after the restriction is caused by
838 pulling the last time, releases the restriction again and the machine is ready to vote as before, because the ticket is then at the end of the group. If the end of the group on the ticket is not reached when the last lever, making the proper number of votes, is pulled (this will occur when candidates from more than one party are voted *i. e.*, the ticket is "split"), then the no vote lever must be used to pass by the remainder of the lines in the group. When the last line of the group is reached the restricting dial operates to release the restricting bar under the machine the same as is done if the voting is all in one party.

Locking of Machine After the Straight Ticket.

The ticket shown on the machine gives the straight ticket at the head of each party ticket. If this straight ticket is voted then the dial restricting mechanism operates on another restricting bar in the bottom of the machine and locks everything so that no more voting can be done until the long handle has been turned, which the voter does as he leaves the machine. Turning this handle returns all the mechanism to the original position.

Arrangement of Legislative Ticket.

839 As the machine is shown the legislative ticket can be voted in either one of three groups, viz:

3 votes for 1 candidate 1 pull required.

1-1/2 votes for each of two candidates 2 pulls required.

1 vote for each of 3 candidates 3 pulls required.

These three groups are placed at the end of the ticket,

because after the voter has finished voting in any one of them, the final locking bar is set and no more voting can be done. The action is the same as when the straight ticket is voted. This locking arrangement should be changed so that the restriction after the legislative vote is not on the final locking bar. This change would allow the ticket to be arranged in any order desired.

Mechanical Construction and Difficulty of Operation.

The mechanical construction of this machine is very faulty in many respects, and in operation it frequently catches and has to be helped over the hard spots. Until I had studied the machine enough to learn the action of the various parts, I was not able to make the machine operate at all satisfactorily, because I did not know what to do to help it along. This of course is only an experimental machine. In building another the designer would change many details and add a number of things that are not present on this machine.

Springs.

840 A good many springs are used to obtain the desired movements. In building another many of these could be done away with or changed in form so that their action would be satisfactory.

Checking of Poll List by Machine.

In the operation of this machine some counter on each horizontal line must always register (the no-vote counter registers if the others are not used), and so the sum of the numbers registered in each line would be the same and should correspond to the poll list. It is the plan of the designer to place a counter on each voting lever, which will record the number of times each is pulled, and these would also make a check on the corresponding vertical column.

Independent Slide and Changes on a New Machine.

With this machine the independent votes are written on separate cards, but it would be better to have a continuous strip. This the designer proposes to change in another machine. Primary and restricted voter devices are also planned which I think would be satisfactory. The restricting and grouping device seems to be very positive,

and I think on a new machine all the mechanical movements could be made satisfactory.

Advantages.

The advantages of this machine are:

841 Small size and comparatively light weight. A machine with a full nine-party ticket would be somewhat larger than the model shown, but it probably would not be larger than 3 feet long, 16 inches high, and 15 inches deep. The weight would probably be about 300 pounds.

Ease of handling and storing. Machines of this size could be taken care of with comparative ease, and they would not occupy much space.

Returns quickly obtained. A complete record of the vote cast could be obtained in a few minutes after the polls closed.

Returns printed by machine. The record is obtained by running the regular ballot over the machine while holding the counters in contact with it. As many copies could be made as desired. The first copy would have the 999 and the 000 imprints also.

Counters give a check on poll list. The sum of the numbers registered in any horizontal line would always be the same and would show the number of voters using the machine.

Disadvantages.

Voting must be done a line at a time. The ticket must be voted as each line of candidates appears at the proper place and after the lever is pulled, even part way, it cannot be returned to change the vote. For single candidates this probably would not cause much trouble, but in a group of many candidates voters would be very likely to make moves they did not intend.

No-Vote Lever Confusing.

842 The use of the no-vote lever would be very apt to confuse an inexperienced voter, and he would pull the ticket past the candidate wanted before he was aware of what he was doing.

Voting would be slow.

In order to be sure he was doing just what he ought to, the ordinary voter would take more time than could be

allowed in most places, and the ignorant voter would, I fear, get hopelessly confused.

The advantages outnumber the disadvantages, but I think the disadvantages are of such vital importance that they must outweigh the advantages. The other machine presented that works properly cannot be considered because of its weight and size, and this one is out of the question because of the way in which the machine has to be operated. There is still a field for invention of voting machines. I have not yet seen one I can recommend for use in the City of Chicago.

Respectfully submitted,

(Signed) C. E. DePUY.'''

Mr. McEWEN. I have now the report, Exhibit 'O-20' of Mr. C. E. DePuy, dated July 20, 1910:

REPORT TO THE BOARD OF ELECTION COMMISSIONERS OF THE
RESULTS OF INVESTIGATION OF THE TRIUMPH VOTING MA-
CHINE.

July 20, 1910.

General Design.

The general design and arrangement of parts is the same as of the machines previously shown by this Com-
843 pany, but the details are improved in some particulars.

Materials.

Cold rolled steel is used very largely in the construction, some of the parts are made of bronze and a few are aluminum. Some of the steel parts are electro-galvanized, but many are plain uncoated steel, and I think they would rust when the machines are in storage, and cause serious trouble. All working parts should be galvanized, or coppered, and all other surfaces should be enameled.

Counters.

The counters are made by the Veeder Manufacturing Company and are operated by a disc and pin held in place by the frame which supports the counters. The construction seems to be more substantial than on the previous machines, and I think they will give accurate results.

The arrangement of the mechanism for resetting the counters has also been improved and this adjustment can

now be easily made. The resetting, however, requires two men, considerable time, and very close observation and attention.

Individual Restriction and Grouping of Candidates.

The device for restricting the individual voting keys works satisfactorily. The restriction seems to be positive, except on the independent slides mentioned later, and is not likely to be changed by use, although each wedge has a screw for adjustment if necessary. When
844 the machine is arranged to vote a group of candidates the same restriction device is used and seems to be perfectly positive without special adjustment as was required before.

Cumulative Vote Device.

The device for cumulative voting is practically the same as that shown on the earlier machine, but there are some changes in the details of the parts which make it somewhat more positive, but it is not yet satisfactory. The legislative ticket can be voted in five ways, viz.:

1½	votes for each of 2 candidates	1	key used
3	“ “ “ “ 1 “	1	“ “
1½	“ “ “ “ 2 “	2	“ “
2	“ “ 1 candidate and 1 for an- other	2	“ “
1	“ “ each of 3 candidates	3	“ “

The first three groups are controlled by one set of restricting wedges and seem to work positively, but the last two groups are controlled by another set of wedges and they are not properly proportioned. When adjusted so that the three individual candidates can be voted easily, two keys can be operated in the other group, making two votes for each of two candidates. If the device is adjusted so that only one key can be voted in the two-vote group, then the last key voted in the single candidate group works very hard. The whole device is cumbersome and has too many parts to be satisfactory.

845 *Independent Vote Slides.*

The slides used for independent voting are not properly locked. Any of these slides can be raised five-eighths of an inch and slides on columns 5 and 29 can be raised three-quarters of an inch without operating the restricting wedges. The slide on column 1 will sometimes lock,

but that on column 7 never locks when the slide is raised to the top and then pulled down again. In these columns it is then possible to vote twice for any office by writing a name in the slide opening and then voting in the regular way afterward.

The same thing can be done on any of the columns, if the name is short, by writing through the five-eighths inch opening of the slides.

The reason that the operating of the slides on column 7 does not lock the regular voting key is that the strip on the slide connecting with the restricting wedge is a little too long, and when the wedge is up there is no tension on this strip, and it is free to fall back into its original position. The wedge is of such shape that it stays up by friction. While this condition appears only on this wedge and strip now, I see no reason why it may not appear on any of them at any time.

The Primary Device.

846 The device for arranging for one or more lines to be used by a party in a primary election is a great improvement over that previously shown. It is easily adjusted and operates satisfactorily.

Desirability of Machine.

The machine as shown is not satisfactory and I believe some parts might fail to operate sometimes even if the failure noted were overcome.

The machine also has the same objections regarding size, weight, and storing qualities as before, and I think it is not a type of machine desired by the Board of Election Commissioners.

Respectfully submitted,

(Signed) C. E. DePuy."

Mr. McEWEN. I have now the report, Exhibit 'O-21' of Mr. C. E. DePuy, dated July 1, 1910 (reading):

"REPORT TO THE BOARD OF ELECTION COMMISSIONERS OF THE
RESULTS OF THE INVESTIGATION OF THE EMPIRE VOTING
MACHINE.

July 1, 1910.

Construction.

The material, workmanship, and general design are of

the same excellent character as shown on the machine previously exhibited; and I believe that this machine would be durable and reliable in action.

Springs.

847 Springs are used in several places to assist the action or to counterbalance the weight of the various parts to which they are connected; but their material and application are such as to give reliable results. In many cases where springs are used their action is not absolutely essential to the operations of the machine, but they assist the movement of other parts, making their action quicker and more reliable than they would be without the springs.

Counters.

The counters are the same as used on the previous machine, and, I believe are perfectly reliable, positive, and durable.

Individual Restriction and Grouping of Candidates.

The strips and wedges for restricting the number of keys that can be operated are simple in construction and positive in operation. By a very easily manipulated adjustment the machine can be, anywhere, set to vote for a single candidate or a group of any reasonable number. The arrangement of a large group does not interfere with the ease of voting nor with the absolute restriction to the correct number of votes.

Cumulative Vote Device.

The attachment for regulating the cumulative vote can be placed anywhere on the machine, and compels the vote to be cast in one of three ways, viz.: Three votes for either of two candidates; two votes for either of the two candidates, and one for the other; or one and one-half votes each for the two candidates.

848 The device is used in connection with the regular restricting mechanism which controls the actual number of votes, and compels the voter to confine himself to the group in which he has begun to vote. As shown it is divided into four sections, each section controlling three voting keys. One, two, or three of these sections control the first method of grouping, while the fourth section controls the second method. This last group requires but

two voting keys, and consequently one key in this group is left blank.

The device could be arranged to vote the one and one-half votes for each of the two candidates on one ticket by the operation of a single key, thus making use of the key that would otherwise be left blank. If the Board of Election Commissioners should decide to purchase these machines, I think it would be desirable to make this change.

Improper Adjustment of Device as Shown.

As the device is now shown on the machine, all four sections must be used, because the stationary top-bar of the grouping device is too wide to clear the projecting lugs on the restricting strips of the individual voting keys. When the first two sections are nominally thrown out of this action, this top-bar causes the device to operate just the same. In other words, these sections can not be thrown out of action. Making this top-bar a little narrower will allow it to operate as intended.

Primary Voting Device.

The device for controlling the number of bars used by each party in a primary election is very simple and effective. It accomplishes the end desired without in any way interfering with the accuracy or ease of manipulation of the machine for other purposes.

Desirability of Purchasing Machines.

The machine presented I believe will receive and record votes in an election accurately and quickly, after the machine is adjusted and the voters have received the proper instruction, and thus will simplify the work of judges and clerks in securing correct returns.

To offset these advantages, however, the machine is large, heavy, and difficult to move and store. If many machines were used in an election it would be a great undertaking to get them properly adjusted and placed in the voting places. The custodian would fill a very responsible position, for on him would depend the adjustment of the machine, and he, through error or fraud, could so adjust the machine that it would nullify its operation in a given election.

In the light of these facts, I believe that it is not desir-

able for the Board of Election Commissioners to purchase many of these machines at present.

Respectfully submitted,
(Signed) C. E. DEPUY."

869 The witness had considered the objections which have been made to the machine prior to 1911 by the experts assigned to examine them.

870 It was his judgment, based upon reports of these experts that at the present time the machines belonging to the Empire Company, namely, the United States Standard, the Columbia and the Empire unanimously stood at the head of the machines examined in all the examinations and that in the last examination, those of 1909 and 1910, the Empire stood at the head.

Witness does not think that any discussion was had officially at any regular or special meeting of the Election Commissioners on the reports of the experts that had been furnished to the Board but that they were discussed at times, "whenever we would meet, that is, whenever we would meet in the Board room together."

871 The Commissioners had their discussions in the same room where the Commission had its meetings. The Commissioners went to the rooms every day most of the time, and sometimes nights, but not necessarily to hold a formal Board meeting. The Commission had no particular day for its meetings. The Commissioners were usually called together by the Chairman whenever exigency required it.

Witness thinks the old reports prior to 1911 were talked over by the Commissioners.

Witness is asked as to the qualifications of the Commissioners for passing on such matters and states that Kellermann was a manufacturer of machinery. Witness' knowledge of mechanics is "just the mere common sense of the average citizen." Witness is a lawyer.

Commissioner Czarneeki had been engaged in newspaper work and once had been connected with a bank.

873 Objection to the weight of the machine was met by the contention on the part of the witness that "I did not see and cannot see how it would be possible for an immense ticket with a lighter machine and that, heavy as the machine was, they had been handled in the City of Chicago without any very great difficulty and without any

accident"; "handled before our time." "Some 37 machines had been put into the polling places and taken out and everybody seemed to be enthusiastic over their operation, especially the reports in the newspapers. Further than that, I knew they were handling a much heavier machine, and had been for a number of years, in Indianapolis, and that, upon the whole, the machines widely used throughout the United States were machines not greatly lighter than our own and that weight didn't seem to be any serious obstacle."

The objection made in 1909 that the machines with a party lever permitted the voter to vote a straight ticket and then vote specially in the same line of candidates had been made "before our time in the reports of 1910, and it was entirely absent when Judge Owens' experts examined it."

- 874 The objection as to the lack of restriction of number of inspections was talked over and witness did not regard it as a serious objection.

Witness did not regard as a vital objection going to the honesty of the count that the judges were obliged to total the straight and individual votes. Witness expected only that the machine would honestly record and preserve the voter's choice.

"Q. So far as any difficulties that might arise over false registration, impersonation, repeating and all those matters outside of the machine, they represented a human element in the election and you did not expect the machine to take care of that?" The question received no answer.

- 875 In looking after the human element surrounding the machines, the Election Commissioners adopted various rules and instructions based upon experience, to guard against fraud by permitting checking up of one upon another. The Commission also went over registration lists, especially in river wards, called in voters and checked their testimony trying to purify the ballot.

- 876 In advocating voting machines, witness was influenced by what he believed was the public sentiment as expressed in the public press. Files of newspaper clippings were found by the witness in the vaults of the Commission, probably 300 or more. Witness has a portion of the clippings and states that they show that all the newspapers here in the English language were in favor of voting machines from 1903 down to 1910.

Witness also knew the results of the election in 1904 and that the people voted over 8 to 1 in favor of adopting the machines.

877 Witness had also inquired during the consideration of the voting machine question in 1911 concerning the use of voting machines in other cities and went over a large number of testimonials on file in the Election Commissioners' office.

878 Witness had learned that at several places voting machines had been rejected or invalidated, in all of the municipalities of New Jersey and two or three other places. The reason for the New Jersey action is given in the official report, "It was a matter of policy and locality, mainly."

New Jersey had purchased a limited number of machines and there were disputes as to where they should be placed. Massachusetts had used the voting machines but the Supreme Court had decided that under their peculiar constitution the machines were not valid.

880 The witness had learned the machines were still in operation in Buffalo, in Schenectady, Syracuse, Rochester, Utica, and there were still some others. They were also in use in Indiana at Indianapolis and Evansville and Peru.

Witness is asked by Mr. Deneen whether he recalls their use in Pulaski County, Indiana. Witness replies: "Probably, I do not recall."

In Connecticut they had them at Hartford, Danbury, Bridgeport, and lots of other places, and in Minnesota, Minneapolis and other places.

881 Witness also knew at one time but could not quite recall what state commissions had approved the Empire Voting Machine.

Witness is handed a package marked "Judge Owens' Exhibit 24" purporting to be a certified copy of Common Council Board proceedings of the City of Hartford, Conn., and his attention called to pages 786 to page 814 inclusive. Witness had seen these prior to voting machine matter in 1911. Witness had seen the proceedings of the Common Council of Hartford, Conn. It was on file in the Election Commissioners' office. The proceedings were dated February 10, 1902.

882 This document was then offered in evidence by Mr. McEwen. Introduction objected to by Mr. Deneen on

the ground that it includes the newspaper clipping
883 "which may be nothing more nor less than an attempt
to advertise."

That portion of the document is admitted which re-
ports the proceedings of the Council Board of Hartford,
Connecticut, excerpts from newspaper clippings ex-
cluded.

886 Mr. McEwen here read in evidence the part of the
document which was admitted in evidence as follows:

"Report of the Board of Selectmen, with accompany-
ing resolutions, blank form of agreement, with surety
and letters and testimonials from other cities, on com-
886-894 munication re U. S. Standard Voting Machine; the
matter of adopting said machines having been referred
to said Board November 25, 1901, by the court of Com-
mon Council, came from the Board of Aldermen with
the second resolution embodied therein passed, and the
rest of the report referred to a joint special committee
of two Aldermen and four Councilmen and the Board of
Selectmen. Aldermen Wells and Ball appointed.

"The report is as follows:

887 *To the Honorable Board of Selectmen of the City of
Hartford:*

Gentlemen: Your committee, to whom was referred
the matter of drafting a favorable report on voting ma-
chines, beg leave to report that they have given the
matter careful consideration and submit the following
for your approval.

W. H. SCOVILLE,
CHARLES W. DOUGHERTY,
HENRY F. SMITH, *Clerk,*

Special Committee of Board of Selectmen.

HARTFORD, CONN., Jan. 25, 1902.

*To the Honorable Court of Common Council of the City
of Hartford:*

"The Board of Selectmen, to whom was referred the
matter of adopting voting machines, beg leave to re-
port:

"The Legislature of 1901 created a State Board of
Voting Machine Commissioners, to be appointed by the
Governor who were to examine any machine brought
before them. Any machine approved by this Commis-
sion would then be a legal machine and could be then

used in any city or town election of the State of Connecticut. The Governor appointed Henry H. Snell, Samuel C. Hardin and Frederick W. Cooper as Voting Machine Commissioners of the State of Connecticut.

888 'This Commission examined the U. S. Standard Voting Machine and have filed a report with the Secretary of State, in which they state that this machine complies with all the laws of Connecticut, which are as follows:

'Section 3 of Chapter 120 P. A. 1901, page 1257:

'A voting machine to be approved by the State Board of Voting Machine Commissioners must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations.

'It must be provided with a single straight ticket device for each of said parties, by the use of which a voter may vote for all the candidates of that party.

'It must permit a voter to vote for any person for any office whether or not nominated as a candidate by any party or organization.

'It must permit voting in absolute secrecy.

'Such machine shall also be constructed that a voter cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote.

'It must also be so constructed as to prohibit voting for more than one person for the same office, except where a voter is lawfully entitled to vote for more than one person for that office.

'It must afford him an opportunity to vote for as many persons for that office as he is by law entitled to vote for, and no more, at the same time preventing his voting for the same person twice.

'It must be so constructed that all votes cast by voters are registered or recorded by said machine.

889 'It must be so provided with a lock or locks by means of which any movement of the voting or registering mechanism is absolutely prevented.

'The approval of the Commissioners makes this a legal method of voting only in City, Town and Borough elections in this State.

'This Board have examined the U. S. Standard Voting Machine and we believe that the interests of the City will be enhanced, both morally and financially by the adoption of this machine.

‘These machines have been thoroughly proven and tested, having been in practical use for four years in the State of New York and are the only method of voting in twenty cities and over fifty towns in this, New York State.

‘By their use the accurate results of each election are obtained promptly at the close of the polls and all re-counts and election contests are reduced to a minimum. The expenses of election are greatly reduced.

‘The most important features of this machine claimed by its manufacturers are simplicity, accuracy, speed, durability and economy, and on these five essentials we have based our investigations.

‘The first claim, that of simplicity, involves the ability of all voters, educated or illiterate, to operate the machine in such a manner as to correctly express their sentiments upon any subject which may be submitted for their vote.

890 ‘As to this feature, we cannot find that the machine has ever disfranchised a voter. On the contrary, it would seem from what outside evidence we have secured, that it insures and protects the franchise of the voter.

‘In our investigations upon this point, we have endeavored to secure the opinion of some Hartford citizen who may in the past have been called upon to vote upon the machine while yet a citizen of some sister city where it was in actual use, or who may have witnessed its workings while temporarily abroad, and in both instances have been fortunate enough to meet such parties. The first, a gentleman and acquaintance of our City Clerk and now managing an insurance agency in our City, was a citizen of Buffalo, N. Y., up to about a year ago and had voted on the machine in that city. He was enthusiastic in his report of the machine, and pronounced it a grand success with all voters there, without regard to educational qualifications, and called attention to the fact that Buffalo has a very large element of her population who are illiterate; yet the machine stands in great favor with them all.

‘The second, a personal friend of City Clerk Smith, now and for many years past a citizen of Hartford, who has made business trips to the Cities of Rochester and Buffalo for four years past, in the autumn of each year, when elections were being held. His attention was first

891 accidentally called to the machine in the City of Rochester in the month of October, 1898, four years ago when the voters of that city were for the first time being instructed in the use of it, preparatory for the election to follow in November of that year. His interest being aroused in such an innovation, he was himself, by courtesy, instructed upon the machine, and has watched its results with much interest ever since. In Buffalo he has many times casually dropped into a voting booth just before an election and questioned the precinct officials as to its workings, always receiving from them the same unstinted praise that seems to follow the machine wherever seen and tested.

‘A son of the party just mentioned, who was formerly a citizen of Hartford, and voted here, but is now, and has been for four years past, a citizen and voter of Rochester, N. Y., offers similar testimony.

‘We have also received a reply to a letter written to an ex-City Clerk of Buffalo in which the writer expresses his approval of the speed, accuracy and economy of the machine.

‘The reply to our letter to the Hon. Conrad Diehl, ex-Mayor of Buffalo, substantiates in almost every particular the claim made by the manufacturers of the machine in question.

‘As to the durability of the machine, time alone must pass upon that question; but, judging from the character of construction and materials used, the claims of its manufacturers upon that point would seem to be well grounded.

892 ‘To sum up the result of our investigation thus far, all the information which we have received goes to show that all voters can easily be taught to vote correctly on this machine; that every vote is automatically registered, thus eliminating all mistakes and doubts in counting; that the method of voting is an absolutely secret one; that votes can be cast far more speedily than under our present system; while the final result is obtained almost immediately after the close of the polls; that the cost of elections is greatly reduced; that the machines are compact, easily taken down, safe in transportation, and simply and quickly put into position for use; that liability to get out of order is reduced to the minimum; that the present ordinary expenses of candidates are

literally done away with; in fact, that every condition sought under our present system is obtained on this machine, with added certainty, greater secrecy, and a great reduction in time and expense.

‘And this information has been obtained without regard to any claims made for the machine by its manufacturers.

893 ‘While considering the object aimed at in examining into the merits of this method of voting, we feel that we cannot do better than call your attention to the words of His Excellency, Governor George P. McLean, on page 13 of his Message to the General Assembly of 1901. The sentiments there expressed, under the heading “Purity of the Ballot,” are comprehensive and to the point, and may be read with interest and profit by all our people, and are so simple and plain that advanced scholars of our grammar schools cannot mistake their meaning.’

“RESOLVED, That the Ordinance Committee prepare an ordinance for submission to the Honorable Court of Common Council which will legalize the use of Voting Machines at all City and Town elections of Hartford, Conn.”

896 Witness does not recall having talked with any of his predecessors in office. Witness has read Mr. Powell’s article and has read the report identified as “Owens’ Exhibits 3 to 8,” made by various officials of the State of New Jersey.

Mr. McEwen offers them in evidence.

Witness understands that these documents are, in a general way, favorable to voting machines.

897 “MR. McEWEN. I want to read the paragraph of one report, ‘Owens’ Exhibit 6’ from the annual report of the Secretary of State of New Jersey relative to the paper ballots and voting machines. Dated December 22d, 1908.”

Mr. McEwen then reads as follows:

897-903 “In addition to the reasons mentioned in the last report, it is the belief of the department that the chief and the underlying reason for the opposition to the voting machines in New Jersey is the manner in which their use was provided for. The voting machines are properly the property of the municipalities, and, except in New Jersey, they have been procured at municipal expense, as paper ballot boxes are procured here. This

State undertook to supply a limited number of machines. By this method, it became necessary to discriminate between election districts, some districts being provided with the new method of voting without cost, while others were forced to retain the old system or to provide machines at their own expense. The members of the legislature, also, having made the necessary appropriation for the purchase of the limited number of machines, sought to secure for their respective counties their proportionate share, with the result that instead of having the machines properly grouped together in a given number of municipalities, so that a fair and reasonable test of their efficiency might be made, they were scattered without system throughout the different counties. Although this seemed at the time equitable and just, experience has proven that it was an entirely mistaken policy. Two systems of voting were thereby forced upon many municipalities to the general dissatisfaction of all, thus placing the new method at great disadvantage.

But more important, the legislature and the Secretary of State, who is charged with the location of the machines, being of the same political party, an opportunity was immediately given to those of opposing political
898 faiths to assume that the machines were being located or relocated with a view of accomplishing a partisan, rather than a public service. Indeed, many of those affiliated with the dominant party were of the same opinion. The department has no hesitancy at the present time in saying that the appeals of party workers of all parties, either for original location of machines or for removal for the avowed purpose of accomplishing some partisan purpose, were both unreasonable and unjust.
899 Such procedure could naturally produce no other effect on the average mind of a member of an opposition party than that the machines were unworthy devices to aid rather than to prevent ballot manipulation; and logic, education, and training have not yet proven sufficient to change such opinion. Added to this was the quite general disposition among election officers and others charged with the use of the machine to instruct voters only in those features which would enable the voter to cast his ballot the way the instructor desired. If the instructor were a Republican, the voter would probably be instructed only in the way to pull the Republican

lever; if the instructor were a Democrat, the voter would be told only about the Democratic lever. If the instructor desired the voter to split a ballot, he would teach him simply how to accomplish a particular cut. If he desired a straight ballot voted, he refrained entirely from instructing in the method of voting split ballots. In many instances, where the voter requested instruction on splitting ballots, the instructor would discourage or advise against such voting. The whole purpose of many election officers seemed to be to see how little, rather than how complete, instructions they could give the voters.

- 900 In 1906, when the elections in several districts where voting machines were located resulted disastrously to the dominant party, those thoughtless members of that party who had allowed themselves to believe that the machine was indeed for their own selfish advantage became disgusted with what they promptly came to regard as a faithless servant, and they, too, from that time, became enemies of the machine.

In the last report on voting machines, after answering at length, and as is believed, absolutely and finally, all the honest objections that have thus far been raised to the use of voting machines, four recommendations were made, the principles of which it is sought herewith to re-incorporate in the present report.

They are:

First. Two systems of voting should not exist in the same municipality, and a machine once located should not be removed.

Second. Arrangements should be made whereby every voter may have ample opportunity to examine the machine and to understand every detail of its operation. Every voter should also be provided, before election, with a fac-simile of the face of the machine, showing how the names of the respective candidates will appear thereon on election day.

- 901 Third. Each municipality where machines are used should be supplied with at least one person from each political party who is sufficiently versed in the mechanical construction of voting machines to pass such examination as the department shall prepare and conduct, and all municipal clerks should either be themselves thus prepared or have someone in their employ who has successfully passed such an examination.

Fourth. Abolition of party levers, especially if the Massachusetts, Montana, or Minnesota form of paper ballot should be adopted, is also recommended. In such cases provision should be made that where a candidate of a given party is endorsed for the same office by other parties his name shall appear only once on the face of the machine, thereby eliminating the use of endorsing bars, a very ingenious and valuable device, but one which election officers seem, in many instances, incapable of comprehending.

The use of two methods of voting in the same municipality has been found productive of much ill-feeling. Voters are unable to understand why there should be discrimination. Those who desire to use machines and are residents of districts not equipped with them are equal in their condemnation with those who reside in voting machine districts, but prefer the paper ballots.

902 The necessity for education of voters in the use of machines is paramount. Voters must know how to cast their ballots. A person becoming acquainted at the same time with both our paper ballots and our voting machines will more readily acquire a knowledge of the machine method than of the paper ballot method. Much of the present opposition is because voters already have a knowledge of paper ballot voting, and have been compelled to learn, often from incompetent or unwilling instructors, the machine method. A thorough acquaintance with the machine seldom fails to convince voters of both its ease and its infallibility.

The fourth recommendation is important, particularly if the state adopts a paper ballot requiring the voter to mark each individual name.'

902 MR. McEWEN. Now, I will read the concluding paragraph, which is just a glance at the future, by Mr. S. D. Dickinson, Secretary of State. (Reading.)

'FUTURE OF VOTING MACHINES.

'The future of voting machines is not in doubt. The demand for them is annually increasing. In fourteen states their use has been legalized and has stood the constitutional test in five states, which includes every state where the question has been raised, except Massachusetts, where the wording of the constitution is peculiar

903 and was given a very strict construction. Many large cities are already entirely equipped with them. Fifty-five per cent. of the voters of New York State, outside of Greater New York, use them. Chicago is seriously considering their adoption. It remains for New Jersey to determine whether she will for the present continue their use or await the time when her people have been aroused to the necessity of placing the most efficient known safeguards around the ballot. The time will surely come. Jersey men are not different from citizens of other states.

Respectfully submitted,

(Signed) S. D. DICKINSON,

Secretary of State.

December 22, 1908."

904 Election Commissioners also had advance sheets or a certified copy of the hostile opinion of the Supreme Court on the subject of voting machines.

Counsel does not refer to the Hull case, to which witness refers, but a prior case, regarding which witness says, "Oh, we knew that the Supreme Court of the State had validated the voting machine." That is, they treated the voting machine ballot as a ballot, and in general sustained the voting machine law.

Witness also considered the reports of the last experts appointed by Judge Owens.

Witness knew the weights of the various machines examined but does not remember them. Thinks the Winslow was the heaviest machine.

905 "Q. Refresh your recollection by referring to the reports in the minutes deciding that the International weighs 665 to 715, the Triumph 725, and the Empire 904 without the case, the case weighing 185 pounds, the Winslow, 1260 pounds? A. Yes, sir."

The strongest element that influenced the witness' mind in favor of the Empire was that the Empire was almost identical with the Standard machine that had been on trial and widely used and was an established success. The witness had information as to what machines had been used in different places.

906 The International had installed ten machines in Elgin. Witness does not think the Winslow had installed a machine anywhere. The Triumph had a few in the East.

The witness knew from newspaper clippings and voting machine literature the percentage of Empire machines in use as compared with other machines. "I did not travel around to see whether the machines were actually located where it was claimed they were."

- 907 As to the detail of the machine and its operation, "I had no opinion contrary to that of the experts, except I was strongly in favor of the party key instead of the party lever for the simple reason that in a large machine the lever pull would be very heavy," and so forth.

The Winslow machine had a pull of 75 pounds.

Opposition to putting in voting machines was first encountered by witness, he thinks, some time after the specifications had been drawn and advertisements and letters sent out.

- 908 The objections begun in a "moderate sort of way and sort of a protest against buying so many machines at once and with some other critical suggestions."

The Bureau of Efficiency objection appears to have been introduced May 20th, 1911, and it was about the same time that other objections began to appear. The Bureau of Efficiency is a voluntary body and Julius Rosenwald signed one of those reports as president. Mr. Sykes was actively connected with it.

- 909 The Bureau of Efficiency objection was to the purchasing of so large a number of machines and also the suggestion that "maybe the machine was not just the ideal one to purchase."

"Q. Their conclusion is summed up in two headings: first, that the number of machines purchased in the near future should be limited to 100 and the purchase of a greater number postponed until after trial at the primaries of 1912 and election of November, 1912, of this limited number of machines, and, Second, the Board of Election Commissioners should ask and secure the financial authority of the city in advance of taking action toward the purchase of voting machines."

In determining upon the purchase of 1,000 machines witness was influenced by the fact that "that was about the number of machines that would be required to supply the City under a voting machine precinct, that is, making the precincts of the proper size."

The Commission also considered in this connection the

report of the Secretary of State of New Jersey, in which objection to a limited number of machines is pointed out.
 910 The witness did not consider as to the question of conferring with the City Council that it was his duty as Election Commissioner to confer with the Council upon the subject of financing the purchase of voting machines, and had been advised by the Election Commissioners' attorney upon the subject, who said that the law laid the duty of purchasing voting machines upon the Board of Election Commissioners, and, in view of the fact that in 1909 the City Council practically refused to go forward and make any appropriation and was standing still, the attorney,—“our attorney, thought, (to use his phrase) ‘it was up to us’.”

No particular method of payment was mentioned in the specifications. The Commissioners were willing that the voting machine companies should take their chances on the subject of payment.

911 The witness knows, in a general way, that the City of Chicago has had a great many judgments pending against it.

Witness recalls Winslow protest which was read into the record. He gave it “very indignant consideration because it libeled Judge Owens and each member of the Board by implying that Judge Owens had put the whole deal through and we were simply the instruments in his hand.”

Witness was also influenced by the fact that the Winslow machine “had always been at the foot or near the foot of standards given by the experts.”

912 He was also influenced by the rumor that “Mr. Winslow had been having a meeting with the Empire Company and attempted to compel them to buy his machine and his supposed influence so as to get him out of the competition, and, putting it all together, I had a very poor opinion of Mr. Winslow.”

Mr. Winslow was given an opportunity to bid on 50 machines. His machine was examined by the experts and it did not class with the other machines.

Witness does not recall the objections made by the Triumph Company. The Triumph letter of July 3, 1911, objects to the time given for examination of voting machines.

(Objected to the Empire on the ground of heaviness

and also to the language of the experts in criticising the Triumph machine.)

In the early part of the discussion of voting machines, very considerable attention was given to Commissioner Czarnecki's objections but "towards the latter part of the controversy it seemed to me that Mr. Czarnecki was manufacturing artificial objections for delay or to open up a new subject for debate and toward the last I got a little impatient with that kind of procedure."

Witness was never advised to select one machine or another except by the agents and experts. No outside influence was exercised upon him.

914 Witness favored the voting machines because he had been a strong advocate of them for years and thought them the final solution of election corruption. The people wanted them and the witness was satisfied it was the right thing to do and "that it was my duty, if we found an adequate machine, to buy it."

The witness thought that the opposition to the voting machine took a partisan aspect,—could not say whether before signing the contract. "They were gentle at the start, but this was a fact, that nearly all of these newspapers for ten years had never deviated from the plan of
915 advocating the purchase of voting machines, as soon as it became a Democratic measure, standing in the threshold, they all reversed themselves over night and commenced fighting."

All of the Republican papers had lined up in this opposition. The Tribune, the Record-Herald, and the News; possibly the Journal and the Inter Ocean.

"Q. What newspaper still appeared to applaud the voting machine? A. Only the Hearst papers, the Examiner and the American.

Sen. LANDEE. Q. What I would like to ask is, were all these papers you mentioned Republican papers?

A. One of them, the Journal, is not nominally a Republican paper."

916 The Republican papers were not all one way and the Democratic papers all the other way.

Witness does not know about the attitude of the foreign papers, but thinks the Election Commissioners had on file clippings from the German papers favorable to voting machines.

917 Witness' attention is called to the fact that it took him

921 eight to twelve minutes to read one proposition submitted to the voters voting at the last election and states that in considering one-minute voting as a requirement of the Voting Machine Law he took into account that the public propositions were discussed in the public press and sometimes at public meetings to familiarize voters with them on Election Day.

922 Some difficulty would be experienced by a voter who did not read the propositions before entering the booth with a paper ballot.

Witness identifies a paper handed him as a sample voting machine ballot issued by the Board of Election Commissioners at the last fall election, 1912.

923 It was the practice of the Election Commissioners to issue sample ballots and was prior to 1911 voting machine project.

Mr. Deneen objects that the paper offered is not a sample ballot and it does not contain the names of independent candidates, but simply a paper sent out by Election Commissioners.

They were sent out to each precinct for election day.

925 They were on view in the Election Commissioners office where they could be procured by the citizens.

It was the custom to circulate ballots containing the public proposition. They were sometimes called "Little Ballots" and were separate from the other sample ballots.

926 Questions appearing on the sample ballot, numbers 1, 2, 3, 4, 5, 6 and 7, were voted upon last fall and appeared in the order named on the voting machine.

"Q. Did you consider, in passing upon the subject of voting in a minute, that ordinarily any lengthy statement or proposition would be contained in a ballot?"

926-935 This question was objected to and after discussion the objection was sustained.

VOLUME XII.

Morning Session.

Wednesday, July 30, 1913.

DR. HOWARD S. TAYLOR, resumed the stand for further cross-examination by Mr. McEwen:

1033 Witness knew the attitude of previous County Judges, Carter, Rinaker and Houston, regarding voting machines only from their public interviews.

Mr. McEwen asked witness whether these interviews had influenced him in making up his opinion in judging voting machines.

1034 Objected to and objection sustained.

1035 *Re-direct Examination by Mr. Deneen.*

Hartford, Connecticut, is about 1,000 miles from Chicago and the report from the Common Council of Hartford, Connecticut, was published in 1902, seven years before the voting machine matter was under consideration by witness.

Witness does not think the Hartford report alluded to the Empire Voting Machine, or to a 9-party, 70-key machine.

Witness does not recall in any of the reports read into the record, any allusion to a 9-party, 70-key machine.

1036 Witness thinks that the reports of experts, especially those of Judge Rinaker, advised the Board not to purchase the machines.

Witness says the Chicago Journal is a Democratic paper, and that he thinks the Chicago Daily News is a Republican paper.

The witness was an editorial writer on the Chicago Examiner for two years and didn't know the politics of the Daily News; thinks nobody else does.

1037 Does not read the News and does not know that it supported President Wilson and Vice-President Marshall last fall. Witness was an editorial writer on the Examiner four years ago and that paper had a presidential candidate of its own then, named Hisgin; the vice-presi-

dential candidate was Graves. The witness was on the ticket for United States Senator.

- 1038 The National ticket was called the Independent Party ticket.

Witness was also offered for nomination as vice-president at the National Convention of the Independent Party.

Witness was also a member from Illinois of the National Committee of the Independent League. At this time witness was writing a series of articles for the Chicago Examiner.

Witness helped write the platform of the Independent Party.

- 1039 George W. McCaskrin of Rock Island was candidate for Governor of Illinois.

- 1040 Mr. Charles H. Mitchell present attorney for Election Commissioners ran for State's Attorney on the Independent League ticket, probably in 1908.

Witness does not think that Mr. Stuart, Chief Clerk, was doing the political work for the Examiner at this time. Can only recall Charles A. Walsh and Theodore Nelson who seemed to be in charge of this work.

- 1041 Mr. Stuart was employed by the newspaper in some capacity then and supported the newspaper policy of favoring the Independent League in 1908.

Witness reads the Examiner and American. He thinks them Democratic papers but does not know that they are now supporting President Wilson and Mr. Bryan in some of their policies.

- 1043 Witness is shown a cartoon in the Examiner and says it indicates that the paper is against them, Wilson and Bryan.

The witness calls the Post a Republican paper, but does not know what candidate it supported last November.

- 1044 The Tribune is a Progressive paper supporting Roosevelt and Johnson the last time. The Record-Herald is an Independent paper.

When speaking of the Republican newspapers opposing the voting machine deal the witness spoke of the traditional the Republican newspapers.

- 1045 Witness lays the blame for the opposition to "several newspapers, one of which I said nominally is Democratic, that is the Journal."

Witness has been a Greenbacker, a Prohibitionist, a Populist, a Democratic and an Independent Leaguer.

1046 The Inter Ocean is a Republican paper.

Notwithstanding the attitude of these newspapers, the witness' predecessor refused to buy voting machines.

The witness heard Mr. Cannon's statement regarding visiting newspaper offices and having them send experts to view the machines and that no adverse comment was made regarding delay in purchasing voting machines.

The witness thinks that the active comment in the newspapers of voting machine matters was confined each time "only a little while after one of those experts' examination."

1047 They did not continue throughout the year except to comment upon the facility and accuracy of election returns in some machine cities like Buffalo or Milwaukee. Those items would come in whenever there was an election or a number of them."

The witness thinks the editorial policy of criticising the Election Board for delay in purchasing voting machines ceased a little time before the present Election Board came into office.

At a meeting of the 25th of March, the witness moved to have 16 machines installed to create agitation in the public mind and to induce newspapers to publish it.

1048 Witness thought the newspapers and public sentiment needed stirring up.

The witness cannot recollect that any Chicago newspaper ever advocated the selection by the Election Board of any particular voting machine. Neither did the Grand Jury Report of 1908.

1049 The newspapers talked about the gamblers being stockholders in the Empire Company. "I recall that they were cautiously suggestive that we should not buy many machines, but gradually taking up the opposing attitude."

Witness testified before the Grand Jury that he thought that Commissioner Czarnecki was earnest in his opposition to voting machines, but used all tactics of a general to cause delay.

1050 His purpose was to defeat the Board in making an award of the contract.

1051 The witness had stated, in answer to Judge McEwen's question, that the city was in the habit of allowing judgments to go against it and paying them when it could. Witness has been City Prosecuting Attorney for ten years; had nothing to do with civil suits and only knew

in a general way from newspapers that a good many judgments were entered against the city.

Witness did not have this in mind in financing the enterprise with the Empire Company that they would be paid off by having the city confess judgment.

- 1052 Witness believes that the city could easily pay off the indebtedness which would be in the nature of a declared obligation, and believed and still believes that it could be paid from savings on the machines in the course of a few years, "just like other cities have done."

Witness supposed the city would find ways and means to pay for the machines. The contract specified that they were to be paid off "from funds available."

Witness would not say that it meant they could be paid off from the traction fund. Has no opinion on that.

- 1053 The witness thinks judgments against the city would bear 5%.

Witness thinks the International machine had a pull on the party-lever of about 25 pounds; does not think any machine had so light a pull as 5 pounds.

Witness did not regard the public vote in 1904 in favor of voting machines as calling for the particular voting machine selected by the Commissioners.

- 1054 Witness is confident that the specifications were discussed with Commissioner Czarnecki. His recollection is that Commissioner Czarnecki was present and made suggested amendments. "In fact, I think that the minutes show it."

- 1055 "I cannot say for sure that Mr. Czarnecki was in the discussion of specifications in the Board rooms."

The grand jury report of 1908 influenced witness in regard to voting machines. It was two years old when the witness took office, but it was read in the proceedings against Commissioners Abbot and Hudson in the fall of 1910.

- 1057 The witness thinks the grand jury report was read in these proceedings.

"Mr. MITCHELL. That was read and they were asked if they had any answer to make."

- 1058 Witness thinks that nothing was said about the grand jury report in 1908 between December 9th, 1910, and March 4th, when it was taken up in a meeting of the Board.

Preceding the approaching election, friends and representatives of the candidates were "running into the of-

fice with big stories about what was planned to be done here and there, colonization, lodging house certificates and all sorts of things"; and witness thinks he can recall two or three occasions during the discussion of these subjects when the grand jury report was referred to, "which seemed to indicate a permanent condition of corruption in the electorate of Chicago."

The witness is shown the minutes of the Board of Election Commissioners regarding voting machines which begin with the meeting of March 4th.

"Q. Don't those minutes recite the facts of any official discussion of this matter? A. As far as official discussion is concerned, I do not know that we had any."

Witness thinks the matter of voting machines was talked about by the Commissioners as early as January, 1911, but does not think that the representatives of voting machines called on the Commissioners until sometime in February.

Witness knows Charles A. Walsh and that he was a member of the Independent Party.

1060 Witness does not think Walsh called in January or February on the Commissioners about voting machines. Cannot recall that Walsh spoke to him (witness), "but once or twice casually."

Witness is asked whether Walsh called in January or February, 1911, with some gentlemen representing voting machines, and witness says, "I do not think I ever saw Mr. Walsh in connection with the voting machine question outside of the Examiner's office."

"Q. Did you see him at the Examiner's office? A. I am not sure about that, but I think he had a desk there and was engaged in some sort of business connected, I think, with the advertising, or something connected with the Examiner's office, and I have a vague recollection of his passing some desultory remark about the voting machine question, what we were doing, what we intended to do, and so forth.

Q. Don't you recall that he and Mr. Barr called on you at your office over here, at the Board office, the Election Commissioners' office and talked about the voting machine; Mr. Barr, of the Empire Voting Machine Company? A. I don't think he ever did.

Q. Didn't they bring in some gentleman from Ottumwa, Iowa, and introduce them to you and the other Commissioners, Mr. Walsh and Mr. Barr? A. They

1061 might have done so, I can't recall it at all; it may have been so.

Q. Do you recall any others that were with you then, that were with them? A. I don't recall the occasion at all.

Q. Mr. Walsh was connected with the Hearst papers, was he not? A. He was for a time, as I understand; I never knew exactly the nature of his employment, but I think it was in circulation or advertisement, or something. I know he had a desk in the 'Examiner' office for awhile.

Q. He had charge of the Land Show, didn't he, that was given here by the 'Examiner'? A. I think he did.

Q. You and I were both there, do you remember? A. Yes.

Q. Will you state what he said to you about the Empire machine? A. Oh, I can't remember a thing about it. I don't remember that he spoke to me about the Empire machine at all; he may have done so.

Q. Your memory is vague on that matter? A. Very blank; I can't even recall that he came to the office or that he came with any people. It is entirely possible that he may have done so.

Q. Did you discuss this matter of the voting machine with Mr. Andrew Lawrence of the 'Examiner'? A. Yes, sir, as I recall it, and stated the other day, I think I had two conversations only with Mr. Lawrence.

1062-1064 Q. About the Empire voting machine? A. No, I don't think he named or I named any particular machine. The last conversation was at a date when, I think it was June, about the middle of June; they had a Democratic Editors' convention here in the La Salle Hotel, and there were a large number of people in the room and a little adjunct of a room, with open doors, opening into the main room, and Mr. Lawrence was there, and Judge Owens was there; and someone, either Judge Owens or Mr. Lawrence, asked how we were getting along with the machine; and I made some reply, I can't recall what. I do recall that Mr. Lawrence said we ought either to vote it up or vote it down, and I remember that because I was a little disappointed; apparently his papers had been strongly for the voting machines; we had been pushing it, and it looked to me like he was remarkably indifferent about it.

Q. He was strong for the voting machines—do you mean the one you had selected? A. No, I don't think he

ever mentioned any particular machine at all. I can't recall that he ever did.

Q. Do you read the Examiner and the American? A. Yes, sir, generally, a portion of it.

Q. Do you know these papers have been very strongly for this purchase of the Empire voting machine since?

A. Oh, yes.

Q. Were they not before? A. I think they were for voting machines; I don't think they ever mentioned any particular machine.

Q. Did Mr. Andrew Lawrence ever mention to you any particular machine? A. I don't think he ever did.

Q. Haven't you discussed with him or Mr. Walsh this matter of the Empire voting machine—didn't you discuss the Empire voting machine with him or Mr. Walsh before the contract was made? A. I can't recall that I ever did.

Q. Will you say you did not? A. No, it may have been that I had some talk that I do not recall.

Q. Doctor, who was it that recommended your appointment as a member of the Board of Election Commissioners? A. I presume I had—I don't know, but I presume I had the backing of Mr. Lawrence.

Q. Of the Chicago Examiner? A. Yes, I think so. I had known Judge Owens, however, for many years? He was city attorney when I was city prosecuting attorney and we were warm personal friends.

Q. Who recommended Mr. Stuart as Clerk of the Board, if you know? A. I don't know.

Q. He was employed by the Examiner at that time, was he not? A. I think he was, though I am not sure whether he was employed just as that time; but he had been in and out and I only saw him casually, and knew him very slightly.

Q. Mr. Mitchell is attorney for the Board; do you know who recommend him? A. I do not, no.

Q. He was associated intimately with the Examiner people at that time, was he not, the Independent League and others? A. Well, he had been in the Independent League and in the Independent Party, I don't know how intimate his association was with the Examiner.

Q. Mr. Lawrence had been really the active power in the Independent Party here, the moving power, had he not? A. I am doubtful about that; I thought I was the man. I conceived of the Harmony project and I wrote

the platform, and I was the first mover in the whole business; I took my plans to Mr. Lawrence to see if he would come in, and then I went to see the other Democratic leaders to see if they would come in. I knew if we did not get together we would get beaten.

Q. I don't want to embarrass you by asking a personal question, but you really think that Mr. Lawrence is supporting this Empire voting machine because you told him to? A. No, yet that may be true. I was an enthusiastic advocate of the voting machine long before Mr. Lawrence came to this town.

Q. You made a mistake in not telling the other papers, too. A. Oh, we—

Mr. DENEEN. I believe that is all I care to ask the Doctor."

1065

Re-cross Examination by Mr. McEwen.

The difference between a 9-party, 70-key machine and the smaller one was about the same as between a train of five cars and a train of seven cars. The tracks were the same; there was a difference of weight.

Witness remembers reading the reports of experts one of whom said, "they could make it 70 keys or 100 keys, or even 200 keys; that there was no mechanical obstruction to that."

1066 The witness thinks the Daily News has always supported the Republican candidates for County Judge. The County Judge is treated by the different newspapers as the head of election machinery.

Witness does not know what party backed Mr. Czarnecki for Election Commissioner. Witness was not consulted.

1067 The witness was prosecuting attorney in 1897 and for ten years afterwards; it was an appointive office. The witness held the office under Mayor Harrison and Mayor Dunne; all the terms of Mayor Harrison, eight years, and two years under Mayor Dunne.

Voting machine examinations were held in 1910.

Witness is asked if the voting machines then examined did not remain in Chicago until the witness and his colleagues were installed in office.

1068 "A. Oh, I think not, sir, I think they were taken away by the several parties and taken home."

After witness assumed office he thinks it was Febru-

ary or March, 1911, before voting machines appeared in Chicago.

The witness did not consider the question whether the members of the State Board of Voting Machine Commissioners were experts, but assumed that they "who had been in the business of inspecting machines to determine whether they were legal or not, had been in it for years, and ought to know, and that their certification would be final."

1069 "Q. Now, in your evidence last Saturday, you referred to the Veeder meter and the royalties; I think you said there were about 700 voters and they cost 45 cents each?
A. Yes, sir.

Q. Who gave you that information? A. I can't tell you now.

Q. Did you understand that was just for the royalties, or the royalties and the cost? A. I think the word 'royalty' was injected in there. I think it is for the finished wheels, the aluminum wheels; that they cost 45 cents apiece and that is my impression, but I would not say that is true absolutely.

Q. Do you refer to a single wheel or a single meter?
A. I refer to the little contraption, the combination that is called 'a meter.' "

1071 The witness is asked by Representative Jayne whether the Commission had made inquiries to discover the bad points of the machines in use elsewhere, as well as the good points.

"A. The thought I had was this, that we would make inquiry in these places and get the results; if they were bad points they would tell us and if they were good points they would tell us, and that out of it we would get the correct statement of the situation.

Q. Well, of course, I take it for granted from the Hartford Council's report that there were no bad points; they gave nothing but good points in their recommendation, and that is the reason I asked the question. A. That is
1072 true, Senator, of all those cities; Indianapolis, for instance, it is absolutely unqualified; Milwaukee the same way; in fact, wherever they were used. Buffalo, Rochester, Syracuse, all those cities only have one story to tell."

The witness remembers the party lever in the Winslow machine was a 75-pound pull. The Illinois experts only give the pull on two machines, 25 and 75 pounds. The

Winslow was 75. The witness thinks the International was the other of the two.

One reason for purchasing voting machines was the prevalence of political corruption in Chicago in the past.
1073 This continued during the witness's term as Election, —was a common topic.

1074 The witness does not think that the last general election was a fair test for the voting machine.

“Q. In loading a load, would you not load it considering the largest hill you had to go up? A. No, I hardly think I would; that would be true if I were freighting, if I were preparing for a voting machine I would anticipate the possibilities of the situation arising where we could not just use a voting machine at a particular election.”

1075 Witness does not think that every man knows how he is going to vote as he steps in to vote, but he does not think “it is a part of the duty of public authorities to pander to stupidity and ignorance.”

Witness thinks that some of the voting machines were in the City Hall during the interval between the middle of January and the 4th of March, 1911. Thinks the agent of the International was there; possibly the Empire, and they may have been all there.

1076 Not a 9-party, 70-key Empire, but the 7-party 30-key machine.

Witness thinks the Empire Company was allowed to put in 20 machines for experimental purposes at the election of April 4, 1911, because the voting machine companies could not supply a sufficient number of machines to take charge of the situation. The Empire Company did put in United States Standard machines.

1077 Witness' impression is that the voting machines were in Chicago and some of them in the Rand, McNally Building between the middle of January and March 4th, 1911, and is very positive that there was “an Empire machine brought here and installed in the Rand, McNally Building in the office of the Election Commission sometime in March.”

The witness is not sure whether it was United States Standard machines, which were afterwards used in the election of April 4th, were in the city when the motion was made at the meeting of March 25th to use machines in that election; is not positive. Witness thinks they probably were here because the election was to be April 4th; has no independent recollection about it.

- 1078 The meeting at which the preeincts in which the machines should be used was determined on was that of March 31, 1911.

WILLIAM L. ABBOTT:

Resides at 4616 Beacon street, Chicago. For ten years has been chief operating engineer of the Chicago Edison Company, Commonwealth Edison. Is a member of the Board of Trustees of the University of Illinois.

As chief operating engineer for the Edison Company, has charge of all power houses, the street distributing lines, arc lamps, incandescent lamps, in fact, from the production of the electrical energy to the delivery of them to the customers.

- 1080 Witness is handed copy of paper and is asked whether he recalls when he was appointed expert.

"A. I presume May or June, 1911." The date of the report is June 20th.

There were two drafts made of the report, but witness thinks the draft he has here in his hand is the one submitted by the experts. It is dated June 20th.

- 1081 Before witness was appointed he had not been an expert on voting machines and had no experience with voting machines except to vote on one at one election. After his appointment he began to study voting machines and made a report concerning it.

- 1082 "Q. How long did you give to studying the machines after your appointment, Mr. Abbott? A. As I recollect, we spent some two or three weeks on this matter, not continuous time, however; I believe I rendered a bill for ten days' services. Examined four machines during this time; the Empire, Triumph, Winslow and International."

The report the experts submitted was that the Empire machine fulfilled the requirements of the Voting Machine Law.

- 1083 The report said that the voting machine "fulfilled all the requirements of the State Election Law."

The experts had a copy of the law and examined it, and in the witness' judgment the machine fulfilled the requirements of the election law.

Whether you could vote a split ticket in one minute depends on the candidates.

1084 "A. It would depend on the kind of splitting which the voter cared to do and how much splitting he would care to do before setting his keys." Also on the number of public questions.

Witness remembers the primary election of April, 1912; that there was an unusually large number of candidates, several hundred, to be voted for.

Witness could not say whether a voter could vote such a ticket, but will say that it is possible to multiply the
1085 number of candidates and the number of offices and parties, so that if the voter cares to do a great deal of splitting it will ordinarily—ordinarily the voter will not do it in a minute."

The report of the experts says that the material entering into the construction of the Empire machine is suitable for the requirements of the machine and this is witness' opinion.

Witness looking at the report says, the machine is composed of steel, aluminum, bronze, and the other composite
1086 metals. Aluminum and bronze would not corrode. Steel might if it was not protected with enamel paint. Witness does not remember how the steel in the Empire machine is protected. Witness thinks enamel paint is a satisfactory protection of the delicate parts of the machine which are for the most part of bronze or aluminum.

1087 The question whether the steel parts of the machine were properly protected was doubtless considered and if it had not been thought that the machines were properly protected it would have been reported in the report.

The experts examined the primary device on the machine. Witness does not remember whether they had a primary ticket placed on the machine so as to test its actual operation in a primary election.

Witness thinks there was placed on the machine a ticket of the previous general election. "That was the ticket which we considered; that was not a primary ticket," is witness' recollection now. The machine was considered with reference to the general election ticket.

1088 But the primary device was also considered.

The witness asked Professor Chamberlain who is present if the report covers the primary device.

"Prof. CHAMBERLAIN. I do not think that any specific reference to it was made except that it is covered in the statement that it complies with the state law."

1089 "Prof. CHAMBERLAIN. In glancing over it I see no reference to it."

1090 There is no specific reference to the machine and the primary law except the general reference to complying with the primary law.

"Q. Was the primary device satisfactory to you? A. I believe it was; my reasons for so stating is we were careful to enumerate all of the objectionable features which we found in the machine, and as that is not mentioned, I believe that it must have been satisfactory."

Witness has no independent recollection on the subject.

The report states that there is no mechanism on the entire machine restricting the number of times counters may be inspected by the judges.

The machine is crated or boxed like a piano box for transporting. It would be like moving a very heavy piano.

1091 It would seem that you would have to make provisions for boxing it and moving it at the polling places by a proper number of men; perhaps four good ordinary piano movers could handle it. Four ordinary men could handle it, but not so expeditiously.

1092 The Empire machine was not provided with a party lever. The Commission of experts recommended that it should be, and pointed out as an objectionable feature of the machine that it did not have a party lever.

The party lever would vote and at the same time when the voting was finished, adding was finished also. This matter was discussed in the report and was one of the features witness had in mind in stating in the report that "with certain improvements the machine would perform certain functions."

The Empire machine had no provision to restrict the number of inspections by judges of election.

The weight of the machine was objectionable.

Witness believes the Empire machine had a grouping device for the women voting, for the legislative ticket, for commissioners and for Sanitary District Trustees, and so forth. Witness believed that the machine permitted voting for the legislative ticket according to the law.

1094 Witness has no independent recollection on this subject, but simply assumes it did from the papers.

An error made by the voter could not be corrected after

he had pulled the party lever clear over; it could be before that.

The witness is shown a copy of the speech made at the City Club July 8th, 1911, in which he said that it was assumed that the reports of the experts was to be kept secret; otherwise they might have modified their language.

- 1095 This was said because the representatives of other machines than the Empire were quite incensed by criticism of their machines appearing in the report.

The witness is not sure whether the Empire had a releasing knob. Witness does not recollect clearly, but thinks the purpose of the releasing knob was to release the lever and enable the voter to change his vote. Witness does not think this matter is referred to in the report.

- 1096 "Q. Did you or did you not recommend accepting the Empire machine on the supposition that certain changes would be made by the manufacturer? A. I think it says 'with certain modifications.' "

The recommendation to accept the Empire machine was made on the supposition that certain changes would be made. The witness does not know whether the changes were incorporated in the machines bought by the Election Commissioners.

Witness cannot say now whether, without the lever on the Empire, he would have preferred the Triumph "which has a lever that indicates every vote for every candidate and adds the votes"; but knows that, for himself, he was very much in doubt as to which of those two machines were more preferable.

- 1097 Witness found all machines defective in some particular, and made recommendations regarding it. The report stated that if certain recommendations were followed it would practically perform the work.

The question whether the Commission could install a few machines at first or 1,000 to begin with was not presented to the experts for consideration.

Cross-Examination by Mr. McEwen.

The Empire had no party-lever, but a party-key. Witness does not know what objections experts had to the party-lever. There were objections to the party-lever to which we called attention.

1098 Did not consider the machine from the point of view of the party voter as distinguished from the independent voter who wanted to split a ticket. The report shows the points upon which they considered the machine.

1099 Witness was simply looking at the machine from a mechanical standpoint.

The report of the experts did not make specific recommendations of changes but pointed out such defects as we considered subject to criticism.

1100 Witness thinks the experts might safely have pointed out advantages and defects without drawing conclusions as they did.

Witness thought there was nothing to prevent the Empire machine from putting in a party lever. It seemed to him a simple thing to do. Witness thinks the expert who demonstrated the Empire machine said they could put in a party lever.

Witness is asked if he knew that there was a difference of opinion as to the value of a party lever and says:—

“A. Yes, the Empire expert was apparently very firmly convinced it was not desirable.”

Witness thinks that the party-key which requires the adding of totals by judges and clerks gave additional chances for fraud over the party-lever.

1101 It is much simpler also to vote a straight ticket on a lever machine than on a party-key machine.

The experts considered the rubber-band objection. The only place where it would be used would be on a machine with a party-lever and would be most effective on such a machine.

Also considered the pull on the party-lever machine and thinks it was stated that the Winslow had a 75-pound pull, a 5-pound pull on the International, and on the Triumph a 25-pound pull.

1102 “Q. Will you tell us what the limits of a desirable pull are, taking into consideration the strength of the voter, the ordinary voter, and the extraordinary voter and the inferior voter?”

Witness would consider anything above 50 pounds objectionable and “the less the pull the better.” The hardness of the pull depends on the size of the ballot and the construction of the machine.

Witness is still of the opinion that the party-lever is preferable.

The experts' report speaks of there being no provision for limiting the number of inspections by judges and clerks.

- 1104 "Q. What objections did you have in mind when you wrote that? A. That judges and clerks have access to the counters in a way not authorized; they could set them ahead, certain counters."

It was possible that the judges would have access to the counters in the progress of voting. Witness didn't think they would have more access to the counters during the hours of election than they would to ballot boxes:—perhaps less access.

Witness does not recall the arrangement of counters on the Empire machine as to the ability to set them ahead during election.

- 1105 Witness does not recall that the Empire machine had a locking device that locked the counters against manipulation which was in a separate compartment with a separate key; but the criticism which appears in the report implies that the judges, if they had access to the counters, could tamper with them.

- 1106 The report was made with reference to special questions submitted. Where the report does not mention anything specific it was intended by the report that the experts' answer was favorable to the question.

Witness thinks there is a certain mechanism in machines with party-lever which permit the voter to correct his vote after he has pulled the party-lever.

- 1107 *Re-direct Examination by Mr. Deneen.*

"Q. The last answer is just an impression,—we want to get a positive opinion."

There was a second examination of machines by the Owens' experts, examination of a larger machine. Witness has not seen the reports on this last machine for two years.

Witness thinks there is no mechanical objection to making the Empire machine of any size, but with a party-lever there would be an increased pull for pulling the increased number of counters.

- 1108 Witness thinks that the second examination by experts was for the purpose of determining the feasibility of

larger machines. Witness has no independent recollection about it.

1109 Witness thinks the first Empire examined by the Owens experts was a 50-key machine. Witness does not remember the number of the machine examined and does not remember whether the machine was made at Rochester or Jamestown and has no memorandum on the subject.

1110 A larger machine would take the voter longer to operate because it covers more space.

The pull on the party-lever depends on the design of the machine and the number of keys. It would be hardly possible to provide for a pull of five pounds on a machine that would accommodate the Chicago primary ticket.

1111 Thinks a 10-pound pull would be very low; would consider that 20 pounds was the lowest.

The agent for the Empire offered objections to the party-lever but the experts favored it. Witness thinks that to put a party-lever on the Empire machine would require some change, but not a radical change. It would be required to be somewhat heavier, something less than five per cent.

1113 Witness has the impression that if the judges had keys to the counters and access to the counters they could change the counters and make them register differently, run them up or run them down.

“Mr. McEWEN. Q. What do you mean by ‘keys’ and ‘counters,’ if I may interrupt?”

“A. Keys so that you can see that they may move by the hand; if they have those keys to them, so that they can be moved, of course they might be moved.”

1115 Asked as to the intention of the report to comment on what is not pointed out as a defect, witness says, “Perhaps a better answer would be that we pointed out any defects, any and all, that came to our attention.”

1116 It would be a reasonable supposition that as to things the experts overlooked they could not comment upon in their report.

The use of a party-lever, instead of a party-key would tend to simplicity and prevention of error.

1117 The witness has had practical experience in shops as well as a technical education in engineering and mechanical engineering.

The witness understood that the report made by the ex-

perts was to be considered by the Election Commissioners in concluding the purchase of voting machines.

The witness is obliged to base his statement as to whether the Empire machine fulfills the requirements of the law upon his report and so doing says it does.

- 1118 According to the report, the Empire machine weighs 1150 pounds. The Triumph 1260. A difference of 110 pounds. The Empire has a party-key, the Triumph a party-lever.

Placing a party-lever on the Empire, the witness has estimated, would add to its weight about 5 per cent. and make no practical difference in the machines as to weight.

- 1118 "Q. Have the Commissioners ever called you back to inspect the machines that were shipped and sold to the city? A. We examined the larger machine about a month after we made this report."

The experts examined only one large machine.

- 1119 Witness does not know that any other of the machines purchased by the City of Chicago was ever examined.

"Mr. McEWEN. I think the evidence will show that one of the three of them did."

In saying that "this machine" complies with the law, the witness means that the machine examined by Judge Owens' experts, not the one in the hearing room.

- 1120 Witness' appointment was not solicited by him. Witness' first thought regarding the matter was the Chief Clerk Stuart who recommended witness to Judge Owens.

In their first report, Judge Owens' experts stated that all four machines examined by them complied with the State law.

In the last report, but one machine was examined, because the one question put up to them was "Is the large machine, the 70-key, a practical machine, the same as the 50-key was?"

It was the only machine the experts were asked to examine and report on. The examination of the one machine occurred one or two months after the examination of the four machines.

- 1121 Witness does not remember the number of the machine the experts examined the second time, nor whether it was made at Rochester, or Jameston, New York.

Afternoon Session.
Wednesday, July 30, 1913.

1122 PAUL M. CHAMBERLAIN :

Resides 427 Diversey Parkway, Chicago. Is a consulting engineer, electrical, mechanical, hydraulic, and civil. The firm name is Chamberlain & Howell, 1719 Marquette Building. Was appointed expert to investigate voting machines by Judge Owens, witness thinks early in June 1911.

1123 Witness understood there was to be an examination of voting machines and made application to the Commissioners for appointment on the commission of experts. The application was made to Chief Clerk Stuart.

Witness first made inquiry about his appointment of the former attorney for the Election Board, W. W. Wheelock, who referred witness to Mr. Stuart.

1124 Mr. Wheelock was attorney for the Empire machine. Witness saw nothing of him during the time he acted as expert. Witness understands that Mr. Wheelock drew the contract for the purchase of the Empire voting machine.

Witness had no previous experience with voting machines and had never examined one. Witness was engaged about 14 days in his work as expert. Does not remember how many days he was engaged in examining the Empire machine.

That the Empire voting machine complied with the State law "was our conclusion in the report."

1125 Whether a voter could vote a split ticket in one minute or not on the Empire Voting Machine, depends upon the rapidity with which the voter worked. Witness believes it possible to do so.

With such a ticket as Chicago had at the April election in 1912, witness does not think that all the voters would vote within a minute.

Witness was in Chicago in April, 1912, when the primary occurred but did not vote on a voting machine.

1126 Witness knows there were a large number of candidates and thinks that with proper preparation before the voter could vote such a ticket in a minute, that is, by instruction and by perusal of the sample face of the machine.

1127 If a voter would take a sample ballot and mark it just as he intended to vote the witness thinks he might vote in a minute. At the general election of 1912 48 men contested for nomination for County Commissioners and the same proportion for the Sanitary District Trustees, and Judges. To do this he would need to have some such aid as the marking of a sample ballot.

The witness makes the same answer as to primaries.

The witness concurred in the conclusion of the experts that suitable material had been used in the construction of the Empire machine.

1128 Looking at the report, the witness says that materials used were steel, aluminum, bronze and other composition metal.

The metal in the machine is protected from corrosion. The exterior is enameled and such parts of steel as might corrode under exposure to the weather are protected from the weather by the case. The steel parts are put in place, usually, with some small coating of oil.

1129 Witness does not know the particular process which was employed in the Empire machine.

Witness had satisfied himself that the machine had been protected from rust so it would not rust out and become inefficient.

1130 As to the machinery, witness could not say now whether the parts were covered with aluminum paint, enamel paint, but thinks perhaps that some of them were. There were parts that were apparently covered with nothing. In fact, there is nothing which could be put on steel parts and still provide for the proper mechanical movement to protect them from the weather.

1132 The parts of a machine to which witness refers are "A. The metal straps, steel straps, the pins separating the different restricting spaces in which the wedges pass, and I should say the levers provided for the interlocking; some of these steel parts were galvanized. I recall at this moment that such parts as depend on the accurate adjustment and hard surface, are in no machine coated, plated or enameled."

Witness examined the primary device; did not have a primary ticket on the machine and did not experiment about voting at primaries with an actual ticket, but tried to cover all the conditions which might arise.

1133 Witness remembers that in using the machine at pri-

mary elections the party keys were covered up. The machine is adjusted according to the voter's declaration of party affiliation by one of the officers of the election by manipulating a lever pointing to the party which witness things, is printed on a slip.

As a matter of fact, the name of the party does not appear but instead the figures 0, 1, 2, 3, 4, and so forth, as many numerals as there are parties.

1134 When the lever is adjusted properly the voter has access to all the candidates of the party of his declared affiliation.

It is witness' recollection that if the lever is fixed at zero the voter cannot vote at all.

1135 Witness thinks this was one of the requirements of the state law.

The report of the experts did not refer to the primaries, except that it stated that the machine complied with the state law, with certain objections.

The Empire machine has no restriction on the number of times the counters may be inspected by the judges.

1136 The machine is arranged for transportation by putting it in a box and is as conveniently moved from the box and placed in voting position at the polls as a piece of mechanism of that weight. Witness thinks it would require four ordinary men to handle a machine. The machine weighs 1180 pounds with the box. 904 pounds

1137 without the box.

The Empire machine has no party lever. The matter was discussed by the experts and there were advantages and disadvantages connected with having a party-lever. With a party-key the mechanism is less complex than with a party-lever. The time for voting is somewhat less with a party-lever than with a party-key, and the party-lever has the advantage of totalling the votes cast.

The report of the experts on the Empire machine comments on the absence of a party-lever.

1138 Witness reads from the report: as follows:

"Because of the absence of the party-lever, which in other machines operates each of the individual keys of that party, split voting with the Empire must be done by pulling down individually the keys which represent the candidates to be voted for; and this on a 70-key-board will scarcely be done within the one minute's time permitted each voter in the voting booth. It also makes

it necessary to add the ballots cast on the party-key to those cast on the individual keys. These disadvantages apply to any machine which has a party-key instead of a party-lever. The advantage of the party-key, on the other hand, are simplicity of instruction to voter and less mechanical complication."

The weight would be a little less without a party-lever and it would be cheaper to make.

- 1139 To apply a party-lever to the Empire machine it would be necessary to supply the parts necessary for interlocking, and adding.

To use a party-lever on the Empire machine would require appliances connected with the lever and the name of each candidate to be voted for. They would have to be interlocked and some of the mechanism of the present machine would be applicable.

- 1140 Witness does not know whether the present parts of the machine utilized in a machine with a party-lever would have to be changed or not; it is quite possible that the lever attachment could be changed to cooperate with the mechanism as it now stands.

- 1141 There would have to be some connection between each key of the machine and the party-lever mechanism, but it might not necessarily be a separate piece from each party key running to the lever. 70 keys or 700 keys could be so arranged that the movement of a bar upward turns them all.

Whether the application of a party-lever to the Empire machine would add considerably to the weight is entirely a matter of design and construction.

- 1143 Witness would be surprised if a party-lever mechanism could be put on a machine which would weigh less than 15 pounds, but might take 15 pounds from other parts. Would be much surprised if the change from the party-key to the party-lever would increase the weight more than 100 pounds.

The machine examined by the experts had a grouping device; all were examined. The machine also examined was arranged to vote the legislative ticket according to

- 1144 the law of Illinois. It also had a device restricting the women's votes to Trustees of the University of Illinois.

The witness thinks an error in voting could not be corrected by the voter on the machine the experts examined.

The witness here goes to the machine and says that a certain knob pointed out is the releasing knob. Witness thinks this was used to allow the voter who has pulled down the party-key and then afterwards decided to vote individually to pull the releasing knob, turn back the party-key and vote individually.

- 1146 The witness is asked if the Empire machine was not recommended by the experts on the supposition that certain changes were to be made by the manufacturer?

"A. We state in the report 'it will be seen from the foregoing, that each machine possessed points of excellence and certain defects which are not common to all; some of these defects are not vital and most of them can be overcome by the designers.'"

In relative convenience of handling, the Triumph is placed first, the International second, the Empire third.

Witness says he knows that changes were made in the Empire machine after it was examined by the experts and before it was bought.

- 1147 Witness thinks the aperture for voting for irregular candidates was enlarged and thinks that on the 70-key machine the roll device was corrected.

The first examinations of the machines was made by the witness some time in June, 1911. The Empire machine examined was a 7-party, 50-key machine. Later a 9-party, 70-key machine was examined. The latter examination occurred about July 20th, 1911. The second report was not dated. This was an oversight.

- 1148 Witness remembers that in the public press of the 21st it was stated that the report had not been dated and witness' books show that he rendered service to the Board of Election Commissioners on July 20th.

Witness is shown the file marks on the paper in Dr. Taylor's handwriting, "Filed July 27-11," but can only testify as he has already testified on the question of date.

- 1149 The report was made in the Board rooms on the day the examination was made. When finished, the report was sealed and addressed to Judge Owens and, witness thinks, was handed to Chief Clerk Stuart. Witness has no independent recollection of that.

On July 20th, there had been no change made in the machine examined in regard to judges getting access to the counters.

Witness does not know the number of the machine

276 *Number of Empire Machine Examined Not Known.*

examined July 20th, or whether it was made in Rochester or Jamestown, New York. Witness has the impression that it was made at Jamestown.

Witness does not remember the number of the machine
1150 examined in June, and cannot state whether it was made in Rochester or Jamestown. He cannot state that it was not a United States Standard machine in either case.

Witness does not recall a dinner at the Athletic Club before he was appointed, with some gentlemen, where the voting machine matter was talked over, and to the best of his belief witness was not at such dinner. Witness remembers only one occasion during this period being at the Athletic Club. This was with Mr. Abbott and Mr. Wooley. To the best of his recollection, witness never had a meal with Mr. Stuart at any time.

1151 Witness naturally talked with Mr. Stuart about voting machines before his appointment and Stuart wanted to know what witness' qualifications were. Witness told Stuart that he had never examined the voting machine. As far as witness recollects, they did not discuss any particular machine. Witness cannot say whether they discussed how many were exhibited.

1152 The Triumph, International and the Winslow machines have party-levers.

The experts must have read the specifications before examining the machine. Witness remembers that the specifications required bidders to furnish blue prints.

1153 Witness does not know whether or not each bidder filed such with the Election Commission.

Witness recollects that there was a complaint made about the experts not having opened the blue prints, and so forth of the International machine. To the best of witness' belief, the experts neither opened nor consulted any blue prints. It was evidently the experts' judgment at that time that the machine itself answered every purpose that the blue prints would.

"Q. You are a mechanical engineer? A. Yes, sir.

"Q. Will you say that blue prints would not have been of great advantage to you in examining these machines? A. I will say that if the blue prints would have been a great advantage to me I would have called for them."

1154 To the best of witness' belief blue prints would not have been of great advantage to him.

The experts did not take the machine entirely apart so that they saw each part.

The blue prints might aid somebody in telling what pur-
ports to be inside, but the blue prints would not tell you
1155 what was inside or it wouldn't tell you the mechanism.

Blue prints are required in machines which you make or design and are customary where it is desirable and necessary. Many times blue prints are not used for any purpose except construction. Frequently they are an aid in finding out what the design of the part may be.

Witness had nothing to do with the requirement in the specification calling for blue prints. Witness never saw a voting machine before examining one as expert for Judge Owens.

1156 Witness knew the principle of voting machines, but had never seen one in operation. In the absence of a demonstrator or representative of the machine, the experts would probably have been assisted by the printed description.

1157 The experts had the machine before them and representatives of the different makes.

The witness, who is at the machine in the room, describes how the voter votes on the voting machine, and illustrates. He closes the curtain, sets the keys to register his vote, pulls the voting lever, comes out.

1158 No voting is done until the voter pulls the voting lever; pulling the key down sets the register for movement.

1159 Witness again describes the operation of the machine. Witness' attention is called to the ballot for the regular election, Socialist ticket. Hugo A. Kahn is running for the Legislature.

Q. If a man desires to vote a straight Socialist ticket and walks in and votes a straight Socialist ticket, how many votes will Mr. Kahn get. It says on the ballot 1½ and 1½, doesn't it? A. It is possible to vote three votes for him.

Q. Yes, how? A. Here, and here, and here.

1161 "Here, and here, and here" means pulling down keys 16-D, 17-D, and 18-D.

1162 In regard to voting the legislative ticket witness says "the machines can be set so that 19, 21, and 22-D could not be pulled down and thinks he could set the keys in that way.

1164 The demonstrators of the machines before Judge Ow-

ens' experts did not demonstrate about frauds that could be committed on their machines and the experts were not permitted to show what could be done with competing machines. There was no public hearing.

1165 *Cross-Examination by Mr. McEwen.*

Witness does not know who wrote the lead pencil marks "July 27-11" at the time of the supplementary report. The witness did not.

The supplementary report, the second report, is confined to a 70-key, 9-party machine, and this refers to a particular machine examined at that time.

1166 Witness identifies in the report, paragraph five, the recommendation of enlargement of the slides for individual voting. Then follows the recommendation to omit the releasing attachment of the paper roll mechanism.

1167 The experts found that the mechanical principles of the Empire were applicable to 70 keys or 100 keys, or double that number. As a machine it works just as well with a larger or with a lower number.

The absence of a party-lever in the Empire machine is not considered by the witness a fault of construction. As to whether the party-lever was preferable, it would be a matter of difference of opinion.

Witness cannot say what was in the experts' mind when they wrote the feature of the report relating to the limitations of inspections by judges. At present the witness
1168 cannot see any disadvantage in judges being able to have access to the counters.

The Empire machine had a locking device designed to lock the counters so they couldn't be operated except by unlocking the compartment and releasing the locking device. To get at this locking device would require connivance of the judges with the men at the warehouse.

1169 So far as the weight of their parts was concerned, witness thinks that all four machines exhibited were worked out excellently. Whatever fault was found is pointed out in the report.

1170 As to correcting erroneous votes the voter has an opportunity to adjust any of the levers to satisfy his desires, with the exception that, having once voted for individuals he cannot then decide to vote the party key, but must vote on all the keys to vote a straight ticket.

If he pulls the party key and then decides he would like to split, the releasing lever enables him to do that. The releasing lever also enables a man who goes into a machine and fails to vote, to release the curtain so that it goes back.

1171 The witness' recollection as to voting on the machine at a primary is that if the party-lever be set at zero the voter cannot vote for any party, and that if the lever is set at any party all other parties are cut out.

1172 As to applying for appointment as expert witness knew Wheelock as having been attorney for the Election Board in former years. He does not know when he learned that Mr. Wheelock was attorney for the Empire Voting Machine Company, but presumes it was before this time. Mr. Wheelock's office is in the same building as witness and witness called on him there.

Witness testified before the grand jury as follows (Mr. McEwen reads from Grand Jury Report):

"Q. How did you learn that Mr. Wheelock represented the Empire Voting Machine Company?' Did you answer: 'A. He told me, when I went to see him relative to this.'? A. That is probably correct.

"Q. 'Did you—at the time you called upon him did he tell you the procedure, how you should proceed in order to get on this Board'? 'A. Well, he told me the proper official to see—'

"Q. 'And that was the clerk of the Board'? A. 'The Clerk of the Board, yes.'

"Q. 'How long had you known Mr. Wheelock before that?' 'A. Oh, I had known him for many years.'

"Q. 'You then called on Mr. Stuart? A. Yes.'"

Witness also wrote a letter to the Board of Election Commissioners asking appointment.

Mr. Stuart asked witness to give him a list of people who knew of witness' work and that Stuart would look it up. Witness' appointment by Judge Owens must have been more than a week after his interview with Mr. Stuart, because some of witness' out-of-town friends whose
1174 names he gave to Stuart advised the witness they had received letters regarding witness' professional ability, honesty, and so forth.

Witness did not meet Mr. Wheelock during the process of making his report, nor in any way to discuss the machine matter. Witness saw Mr. Wheelock in the cor-

ridors frequently, but did not talk to him about the examination of the machine, not after his appointment, nor, the witness thinks, at the time he asked Mr. Wheelock about the procedure for securing the appointment. Witness did not talk to Mr. Wheelock after appointment and prior to the report about the machine and Mr. Wheelock never at any time asked him "to do one thing or the other."

- 1175 Witness' judgment was formed independently upon his examination.

The process of Sheridizing is used to prevent metal from rusting. It makes the metal smoother and is used on the interior of electric conduits a great deal.

Witness does not recall finding Sheridized metal in this Empire machine examined.

- 1176 In examining the machines, the experts took into account the liability to rust and tried to cover all probabilities of exposure.

An attachment limiting the number of inspections can be put in the Empire machine; also the party lever.

The witness had to do with examining machines that were delivered. Witness examined some 200 machines.

"Q. What did you examine, in a general way? A. Well, the machines were taken out of the cases and set in voting position, a voting position, counters were inspected to see that they were at zero, and a series of voting done on the machine to see that the mechanism was in good working order and that the interlocking system performed its function—"

Witness found that nearly all machines examined performed these functions. Witness thinks 198 of the machines passed inspection. Witness thinks that one machine was damaged in transit and that another machine did not show up. Witness thinks he afterwards examined two machines to fill out the 200.

- 1178 Witness also in one election went to the different polling places to see that the machines were set up properly and in working order. Witness is a practical machinist and has worked in the shop. He is a graduate of Michigan Agricultural College, Engineering Department, and of Cornell University.

Witness cannot recall how the experts determine the weight of the machine; did not personally weigh them.

- 1179 The weight of the machine given in the report was that

of a 7-party, 50-key machine. Did not give the weight in the second report on the 9-party, 70-key machine.

“Mr. McEWEN. I will say that we will show that the 70-key is 950 pounds, the machine net; 1120 gross, which is with the box on.”

1180 Witness is asked whether he considers himself a voting machine expert; says that he is intimately familiar with many types of machines employing similar mechanical principles and devices as are found in voting machines, and so far as being an expert on mechanism presumes he could qualify.

1181 Witness thinks he could build a voting machine involving the principles of the machines examined by the experts. Not without considerable thought, however; those were the product of much consideration and trial and experiment.

Witness has stated, in the present hearing, that he had put in 14 days. His bill is for \$750 for 21 days. Witness thinks the 14 days covers the time spent on the first machine. The 14 days mentioned in the bill does not mean 14 different days, but the equivalent of 14 days' time. Witness cannot remember how much time was put in on the Empire machine.

Witness thinks that Veeder meters were not used on all three of the machines.

Witness has read the little book “The Truth about the Voting Machine” on page 10 of which it is stated that it requires 5 keys to alter the machine or change the result. After his investigations witness thinks that they cannot change the result with 5 keys, “the continuous counter keeps on going, it is incapable of resetting no matter how many keys you have.”

As witness thinks of it now, the two keys which the custodian is supposed to have would be necessary to make any change which would be a fraud.

In examining the 200 machines witness did not pull down all the keys, but just voted upon the party lines to move all the wedges and would have moved no more if he had voted for all the parties.

1184 Witness knew that there were blue prints with some of the machines. Cannot state whether or not there were blue prints with all the machines.

Witness is not sure whether these blue prints were presented to the experts by the Election Commissioners when

they asked them to do their work. Witness remembers
1185 seeing blue prints but cannot tell of what machine. When he saw them they were open so that he saw they were blue prints; the seal was broken. Witness remembers seeing them in the room, but does not know who presented them and cannot tell what machine he was examining at the time. The experts had all the machines in one room.

The report on the 9-party 70-key machine was made in the Election Commissioners' room where the machine was examined by the experts. That is the last report.

1186 Witness has no particular recollection of the conversation with Mr. Wheelock when he spoke to him about employment as expert.

"A. I presume that I would attack it then as I would now, any job that I was after I went to the man that I thought was most likely to know what I wanted."

Witness has known Mr. Wheelock for many years, had not known Mr. Mitchell or Mr. Frank D. Ayers, attorney for the previous Board of Election Commissioners. Witness did not know any member of the Board of Election Commissioners nor Mr. Stuart nor the County Judge.

1187 Witness testified before the Grand Jury that Mr. Wheelock told him he was attorney for the Empire Company when he first called upon him.

1188 Witness cannot now remember whether he knew that Wheelock was attorney for the Empire Company when he called upon him.

Witness does not know of any voting machine experts who have worked in the construction of voting machines who are not employed by voting machine companies.

1189 Witness first read of the proposed examination of voting machines in the paper and knew the Election Commissioners were the men who employed experts before he went to see Mr. Wheelock. Witness did this because Mr. Wheelock had once been attorney for the Election Commissioners and would know how the witness should present his request.

1190 Mr. Wheelock told witness to go to Mr. Stuart. Witness thinks he did not see Judge Owens until after he was appointed. Witness does not know whether Mr. Stuart went to Judge Owens about witness' appointment.

Witness testified before the Grand Jury, April, 1913.

1191 "Q. Do you remember these questions were asked and these answers were made by you at that time? I am hold-

ing some questions here. It is a little inconvenient. 'Did you render your decision in favor of the Empire machine because of your personal friendship and liking for Mr. Wheelock,' that was asked you, wasn't it? A. Yes, sir.

"Q. You said 'No. sir.'? A. Yes, sir.

"Q. Now, was the question asked you, 'Did that thought ever occur to you?' and did you not reply, 'No, I don't think so'? Was that question asked you? A. Yes.

"Q. And then was the question asked you 'Are you positive?', and your answer was 'No, I am not positive'? A. Yes.

"Q. And you went on with a long discussion qualifying that afterwards. Do you want us to have that put in, shall I put it all in?

"Mr. McEWEN. Well, there is some portion there, I think it might as well go in, referring to Mr. Wheelock.

"Mr. DENEEN. What part?

"Mr. McEWEN. I have 108, 'You have offices in the Marquette Building?'

"Mr. DENEEN. I had intended to ask him that but he already stated that he had offices in the Marquette Building and Wheelock also had.

"Mr. McEWEN. Over two pages to 110, 'A Juror. This being true, wouldn't your friendship—' right in the middle of the page—'influence you in your decision?'

"Mr. DENEEN. I don't see that.

"Mr. McEWEN. It follows the statement there about Mr. Wheelock—

"Mr. DENEEN. You may read on.

"Mr. McEWEN. Well, that would have been true if you had been wavering between one machine and another, if they were so equal?

"A. Well, the decision of the mechanical points was not a question of wavering at all."

"Mr. DENEEN. What else do you want to put in?

"Mr. McEWEN. Well, they have wandered away there?

"Mr. DENEEN. Yes, wandered away and just left, that is all I care.

"Mr. McEWEN. They came back to Mr. Wheelock on page 115, put that in.

"Mr. DENEEN. You can put that in, 115.

"Mr. McEWEN. Over on 116 is the question 'When you went to Mr. Wheelock, did you know he represented the Empire machine?'

"A. No.

"Q. You solicited this business the same as you would any other business? A. Exactly.' "

1194 Witness is asked about the complaint that certain blue prints had not been opened by the experts. Witness said he thought some of them were opened.

"Q. Two of the complaints, you will recall, the International and the Triumph, were that their blue prints were not opened, so that the blue prints opened did not belong to those machines. A. I don't know, they might have, because some of the complaints they made were quite as ridiculous as that would have been."

Witness' attention is also called to the claim that the International's blue prints and photographs cost about \$750 to prepare and said he didn't see how it could cost to prepare \$3 worth of blue prints.

Witness has worked at the bench in school and as a journeyman.

1195 "Q. You were not a journeyman—you mean journeyman for the experience or do you mean that you earned your living at it? A. Well, living at it.

"Q. How long did you work at the bench after you graduated? A. I never worked at the bench when I graduated.

"Q. How old were you when you worked at the bench? A. Oh, probably, I was sixteen.

Witness was paid \$50 per day for examining the voting machines.

1196 Afterwards witness was employed. he thinks, by Mr. Stuart to examine the 200 machines. Mr. Stuart sent for him. Witness cannot say how long he was examining the 200 machines.

1197 Is not sure what he received for the examination of the 200 machines, that it was \$50 per day, cannot tell how long it took. Thinks not more than two weeks. Witness can refer to his book to tell exactly and will get the information tomorrow.

Witness was also employed by the Election Commissioners to go to the polls and inspect the machines there.

Witness does not remember what he was asked to do but he was, "to be of such use as my familiarity with voting machines would enable me to see that the machines were properly arranged, properly located for proper elections."

Witness visited nearly all the machines that were in operation and thinks this was in the April primaries.

1198-1202 "Q. Did you inspect each machine that you visited? A. Well, I don't recall that I examined mostly every machine.

Q. Did you examine them in any way? A. Oh, the general conditions of setting and—

Q. The levers? A. Seeing that the roundings were proper.

Q. Whether the levers were working? A. Well—

Q. Restricting devices? A. No.

Q. Keys? What was it you looked at? A. We could not operate those after the machine was ready for voting.

Q. What were you doing? What were you doing with reference to the machines at polling places. A. Well, I stated a moment ago that I visited the different places where machines were set up to see that they were working properly.

Q. You visited them before election, before primary day, did you not? A. Yes, I think so.

Q. Did you test them to see whether they were working properly? A. No.

Q. What did you do? A. Not on the visiting; but the machines, of course, could not be voted after they had been set at the custodian's.

Q. What did you do in reference to them when you visited them? A. Well, I saw that the machines were set up and in proper shape for voting, that there was room for the curtains and the curtains to be on in the proper shape so that the machines could be opened, and some instructions to the voters—I mean to the judges. Previous to the election I assisted in instructing the
1199 judges and clerks.

Q. Well, now, let us finish this and then we will go back to that in order to save time. What else did you do while visiting the machines? A. I cannot recall any specific thing that I did other than what I have described.

Q. To see whether or not they were in condition for use? A. Yes.

Q. Did you test them out as much as you could without altering them? A. Why, I can't recall any specific test that I applied to them.

Q. But you did visit all of them, you think? A. I think I visited all of them.

Q. And how many days were you engaged in that? A. I can't tell you.

Q. Well, how many; what is your best judgment? A. Well, I should think that there were two or three days before election.

Q. Yes. Now you say you got \$50 a day for that? A. No.

Q. What did you get for that? A. For what?

Q. What did you get for that? A. I think that I made a lump sum for the work outlined.

Sen. CANADAY. Will you please speak a little louder so we can hear you?

The WITNESS. I think I made a lump sum for the work 1200 that would be required for that.

Mr. DENEEN. Q. Then you say you were engaged in instructing judges before the primaries. Who engaged you you to do that, Professor?

A. The Board of Election Commissioners.

Q. Through Mr. Stuart? A. Yes.

Q. How many days were you engaged in instructing judges how to conduct the machine? A. I can't tell you.

Q. Well, was it two weeks? A. No, I should think—

Q. About how long? A. I should think a day or two.

Q. Will you say it was only a day or two, instructing all of these judges? A. I did not say that I instructed all the judges.

Q. How many judges did you instruct during the time that you were employed in that capacity, so far as you can recollect? A. Well, that I can't answer, because I don't know, but the instructions was very largely at second hand, the various employees of the office who were available for that purpose received more or less instruction from me.

Q. Well now, let us get it as we go along, the judges. To what extent did you instruct them? A. I can't tell you definitely.

Q. As to how many, or how many? A. Nor how many.

Q. Now, about the employees, how many employees did you teach? A. Well, I should think there were fifteen to sixteen.

Q. Who employed you to do that? A. All of my employment was by the Board of Election Commissioners 1201 that had to do with the voting machines.

Q. Through Mr. Stuart? A. Through Mr. Stuart.

Q. Now how long were you employed in teaching the employees, these fifteen or more employees of the Election Commission? A. Well, I can't tell that very closely, some of those employees had to assist me in setting up the machines for examination over to the storehouse, and the others were entirely new for it.

Q. Well, give your best judgment as to how long a time was consumed in instructing these employees of the Election Commission. A. Well, I should think two or three days, but I—

Q. Not more than that? A. I think not, but I haven't any definite recollection.

Q. What compensation did you receive for instructing those employees? A. The last employment by the board was a lump sum.

Q. Yes? A. Which I made mention of before.

Q. What was that? I do not recall it, you said a lump sum, but I do not think you named it? A. No, I did not name it.

Q. What was it? A. I do not recall how much it was.

Q. About how much was it? A. Well, I can't tell you that. I can give that to you from my books if you would like to have it.

Q. I think we ought to have that. Very well, we would like to have that. Can you give a general statement as to how much you got for that? A. No.

1202 Q. Within \$100 or \$200? A. No.

Q. How much money have you received in the aggregate from the Election Commission in connection with this voting machine since you met them? A. I don't know.

Q. Well, is it \$1500 do you think? A. No, I think not.

Q. Will you give that statement to us, to? A. I will be glad to do so.

Q. Have you appeared on their salary roll or have you been employed at so much per diem a day? A. Well, I have been employed at so much per diem with the exception of one set of service which was for a lump sum.

VOLUME XIII.

Thursday, July 31, 1913.
Morning Session.

PAUL M. CHAMBERLAIN resumes the stand:

- 1204 The three experts employed by the Election Commissioners met with Judge Owens and received instructions. No Election Commissioner, County Judge or employee of the Election Commissioners' office made any suggestion regarding one machine or another, nor interfered with the
1205 experts in any way.

Witness rendered a bill for services on the voting machine experts commission, June 5 to June 26th, inclusive, $13\frac{1}{2}$ days, \$675, and on July 21st a bill for one day, \$50, and on March 12th, 1912, a bill for testing and inspecting 100 voting machines at the Pugh warehouse, February 21st to February 23d, inclusive, $2\frac{1}{2}$ days, \$125, and on April 11th, in connection with voting machines on March 28th, 1912, to April 10th, 1912, per agreement with Mr. Stuart, \$300.

- 1206 The item is not stated in the bill but witness finds in his ledger it consumed $12\frac{3}{4}$ days. The total amount is \$1150.

Witness has not been employed by the City or any Chicago municipality since that time, nor at any except on this one occasion.

- 1207 Witness is not related to Mr. Whetlock.

When examining the voting machines in the election booth the witness traveled in an automobile, which, the witness presumes, the City furnished.

- 1208 Witness does not recall that he looked at any machines after the polls closed. Witness had no keys to the machine.

- 1210 Witness does not consider the Empire machine an easy machine to handle.

Witness can think of nothing unfair about the ticket at the last November election as being unfair as a test of voting machines; would think it an ordinary test.

Witness thinks Judge Owens did not state anything about the \$50 per day paid the witness, or about the compensation for his services.

- 1211 Witness' attention is called to the difference in the

amount of his own bill and that of Mr. Abbott. Witness states Mr. Abbott was called away from the examination once or twice and that might account for the difference in time.

1212 Witness is a mechanical expert capable of passing upon the mechanical movement of any machine which was brought to his attention. Witness does not think he knows as much about voting machines as an inventor, manufacturer or man who built a voting machine.

1213 Witness' attention is called to a device, a lever, for cutting out all parties but one on primary day, and asked if the lever stands at zero whether the voter cannot vote for any or all parties. Witness thinks not, but is not sure. Witness cannot remember, but depends upon the report as to whether the experts considered the question of primary elections.

1214 Witness looking at commission's report states:

"A. Well, we reported that the machine fulfilled the requirements of the state law."

"SEN. LANDEE. Q. Well, that is in the state law, the primary election.

"A. Then it is covered.

"Q. We had the primary election at that time. A. Then it is covered.

"Q. You are sure of that? A. Yes, sir."

Witness cannot express an opinion as to a fair price to be paid to the manufacturer of the Veeder meter.

1215 Witness cannot say that you could place a mechanical movement on a blue print as well as you could on a machine. A machine could be made without a blue print.

1216 Blue prints would not show the material. Specifications, if they were complete enough, would.

1217 By contracting engineers—the witness is one—specifications and blue prints are frequently considered before the contract. Witness does not think the Empire voting machine will corrode standing in the warehouse in all kinds of weather.

1219 Witness is familiar with the grouping devices on the Empire machine. They are set by the custodian. Witness does not think that pegs or pins in the grouping devices could drop out or be disturbed by moving the voting machine.

1220 The pins referred to make the restricting spaces. Wit-

ness cannot tell without examining the machine whether
1221 there is any locking device to keep the keys in.

1222 There is little strain on this pin and no strain which
tends to pull them out or in.

1224 The restricting pins are made of wire about 3/32ds of
an inch thick and are strong enough to stand the strain
put upon them.

Mr. DENEEN. You stated in response to Representative
Jayne's question that your bill was put in the 10th of
April, the last bill that you have?

A. March 28th to April 10th.

Q. Election occurred on April 4th? A. Yes, I think
so.

Q. What were you doing on the 5th, 6th and 7th of
April with these machines? A. I could not recall at this
time.

Q. Were you examining them to see whether they
were in proper condition? A. I don't know, I cannot
recall what the services were, rendered at that time.

Q. What were you doing on the 28th and 29th and
30th, and the 1st, 2d and 3d of April, save Sunday, with
reference to the machine, what kind of work were you
doing? A. Well, examining the machines, I don't re-
member these specific days, but at that time I examined
the machines and as I recall it gave some instructions re-
garding the operation and the setting.

Q. What part of the machines were you examining?
1225 A. Oh, that was with reference to setting the machines
and the proper handling of it in the hands of the officials,
the Election officials.

Q. Well, now, the proper setting, let us get that first,
what did you do about the setting of it?

The CHAIRMAN. Has the witness answered the ques-
tion?

Mr. DENEEN. He is thinking that over, he has not an-
swered that.

A. I do not recall definitely.

Q. Can't you tell the commission the things of your
work with reference to those machines from March 28th
to April 10th? A. It embraces a number of various
things wherever there was a call for my assistance or ex-
planation I was on hand to give it.

Q. Well, now, what did you do? A. I remember spe-
cifically explaining the operations of the machines?

Q. To whom? A. To members of the Election Commission's office force.

Q. Well, I don't mean their names, but where, where were you explaining it? A. Well, there were several machines were set up for exhibition purposes and instruction.

Q. Well, what else, and where? A. I cannot recall specifically.

1226 Q. Did you have to do with explaining to members, representatives of the Election Commission over to the warehouse—Pugh's warehouse? A. On some occasions, I am not quite positive whether or not it was at this time.

Q. I mean between the 28th of March and the 10th of April. A. I would think that—I cannot say positively.

Q. Well, can't you tell the Commission what you did, save the fact that you inspected several machines in the City Hall and taught some of the men connected with the Election Commission over there in intricacies of the machines? A. On two occasions I examined machines at the Pugh warehouse.

Q. On two occasions? A. On two occasions.

Q. Do you mean on and after March 28th? A. I don't think—I think that quite likely one of them was after March 28th.

Q. And one was after? A. Well, that is covered by—that is the interval February 21st to 23d, the two and one-half days.

Q. Well, now, when you examined them at Pugh's warehouse on or after March 28th, what were you doing with the machines? A. Well, if it was after the date that I made the test of the second lot of the machines at the Pugh Terminal warehouse it was taking the machines out of the crates and testing the keys for voting and interlocking.

1227 Q. Well, you said if it was, you mean to tell the committee that the second consignment of machines came after March 28th and you examined them for the April election on April 4th. A. I did not mean to say that.

Q. State to the committee whether or not you were engaged on or after March 28th, 1912, examining a consignment of machines from the Empire Voting Machine Company to the Commission? A. I think I was.

Q. And was that all that you were doing? A. I ex-

plained to you just a moment ago that I demonstrated the machines over at the City Hall.

Q. Several machines? A. Yes.

Q. What were you doing in riding around town visiting the polling places, what work were you doing in connection with the machines at that time? A. Well, seeing that the machines were properly set and that they were getting along properly with them at the polling places.

Q. In what way do you mean getting along properly, that they were working and operating? A. Yes, and if there was any obstacles to their working in some of the
1228 polling places, we had to have them move some of their furniture to give room for the curtains to be opened. They had been set up the night before but not opened out, that is one of the things.

Q. Yes, tell some others? A. Well, I don't recall at this time what other things were found.

Q. You cannot tell what you did from March 28th to April 10th, inclusive, except that you assisted or demonstrated on several machines in the City Hall and you rode around the city inspecting machines in reference to the curtains? A. Well, inspecting machines to see whether they were in condition for voting and whether they were having any difficulty with any of the explanations which they had previously received and which they might have forgotten.

Q. Well, did you tell any of the judges, inform them as to the mistakes they made or were making.

A. I think in some instances they had not understood about the unlocking of the machine, ready for voting.

Q. And what did you do? A. Demonstrated to them how it was done.

Q. When was that? A. Well, I cannot say that definitely but I think the morning of election.

Q. How many did you have to teach how to open the
1229 machine? A. I cannot say.

Q. What time did you begin work that day? A. Started out very early, I should think perhaps half past six, but I am not sure, it was very early.

Q. How many judges, how many polling booths did you have to teach the judges how to open their machines?

A. I cannot say.

Q. How long were you riding around the city before

you visited the first polling place? A. Went directly to the first polling place.

Q. Where was it? A. Well, I should think it was on State street.

Q. Well, that is a long street, what part? A. Oh, somewhere in the vicinity of 600 State street.

Q. Do you mean to say that you started from the Election Commissioners' office at half past six, or that you started to go to work at half past six? A. I remember leaving the house very early and starting in on the duties of the day and I know we were riding very early.

Q. Well, what time? A. Well, I should think that we were on the road by seven o'clock.

Q. And that is—then you went to State street, the 600 number? A. I don't know that it was 600.

Q. About that? A. That is my recollection, some-
1230 where in the 600's.

Q. Down as far as Harmon court? A. I don't know it by that name.

Q. Well, Van Buren street? A. I should think it was in that vicinity.

Q. And the judges had not been able to open the box of the voting machine at that time? A. I cannot say that it was the first place we visited nor can I say what place it was.

Q. Do you remember about what time of the day when you had to open the machine, the first one? A. No, I cannot.

Q. Could it have been as late as eight o'clock? A. Yes, it might have been.

Q. It might have been that late? A. Yes.

Q. How many of the machines did you have to open and work for the judges? A. I don't know.

Q. Were there any others? A. I cannot recall whether there was or not, I remember that is one of the things.

Q. Did you go out as far as Longwood—you know where Longwood is? A. No, sir.

Q. Do you know where Tracey is? A. No, sir.

Q. Or South Englewood or Morgan Park? A. Yes, sir.

Q. Did you go out to a little town near Morgan Park to examine some machines that would not work,—Long-
1231 wood, that is the 32d ward? A. I cannot recall that.

Q. Cannot recall that? A. No, sir.

Q. Did you go into the outskirts of the city, the sub-

urbs and examine some machines that would not work? A. During the day we visited nearly all the precincts where the machines were in operation.

Q. Do you know how many were in operation? A. No, sir, I do not.

Q. There were several hundred, were there not? A. I think it was less than 200.

Q. Less than 200? A. Yes.

Q. How many did you find out of order? A. I cannot tell you.

Q. Can you give us an estimate? A. No; I don't know that I found any out of order.

Q. How many did you find working defectively?

1232 A. I didn't find any that were working perfectly.

Q. How many did you have to correct in their operation? A. How many judges?

Q. No, how many machines? A. I don't think we corrected any machines in their operation; I don't remember any.

Q. How many election boards did you have to instruct how to operate the machine? A. I can't tell.

Q. Well, give us an estimate. A. I have no definite memory on that subject; I would think that there probably were not more than two or three.

Q. Your recollection is vague on that? A. It is.

Q. Did you make any memoranda regarding that? A. No, I did not.

Q. Didn't make any report regarding it? A. Verbal only, at the time.

Q. To whom? A. The clerk of election.

Q. Mr. Stuart? A. Mr. Stuart, yes.

Q. Who accompanied you on this trip? A. Employees of the office.

Q. Do you know their names? A. I can't give you their names.

Q. That is all you can say about your work from March 28th to April 10th, is that your recollection? A. Yes.

1233 Witness thinks the experts, when examining the machines saw some little pamphlets submitted by the owners of some of the machines.

The experts examined the specifications. Witness' attention is called to the part of the specifications on page 3 regarding blue prints, photographs and statements.

Witness does not recall it, but the experts must have read it.

- 1234 Witness does not recall that Judge Owens said anything about the machines complying with the specifications nor does he remember that anything was said about how many machines were to be purchased.

Witness thinks that nothing was said about report of the previous examiners or about the investigations of the preceding Board.

- 1235 Experiments in voting, testing whether a voter could vote in a minute, were conducted by Election Commissioners, Mr. Abbott, Mr. Wooley, and the witness. Did not use any employees of the Election Commission.

- 1235-6 "Q. You don't think so. I notice, if you will turn back to your memoranda, that you say March -1, 1912, you rendered a bill for services in inspecting 100 machines for \$125; that was the bill, wasn't it? A. Yes, sir.

"Q. You accepted 200 machines and rejected 2. Where is your bill for the other 98 or the other 100? A. My testimony of yesterday in regard to inspecting 200 machines at one time must have been in error, it was entirely a matter of memory.

"Q. Yes. A. But I find from the bills which I rendered that 101 machines—now, let us see, just a moment—I have a note here that on April 4th I reported examination on machines, serial numbers 4461 to 4661, covering dates of March 28th, 29th and 30th.

"Q. That is what you were doing then? A. 101 machines.

"Q. March 28th to what? A. 28th to 30th."

- 1236 The machines examined were sent out at primary election. Witness did not set the grouping devices, but was on hand when this work was going on and perhaps set some of the machines.

- 1238 The representative of the particular machine under examination, or the owner of the machine, was called in as the experts required, to demonstrate the use of the machine and to answer questions.

In examining the Empire machine the experts didn't take it all apart. They removed the legislative grouping device. There is but one grouping device, the witness says, on the Empire machine. It is in one apparatus, as the witness recalls it.

Witness has not been employed by the Empire Company to do any work since he made the examination.

Witness knows Mr. Barr who was one of the representatives of the Empire machine, but was not the mechanical expert. Mr. Barr was in the corridor and 1239 offered, but witness does not recall whether he gave any explanations of the workings of the machine or not.

WILLIAM WOOLEY:

Direct Examination by Mr. Deneen.

Residence, 3143 Diversey Avenue. Witness is a mechanic employed by the Moon-Hopkins Machine Company, a computing machine.

1240 Witness was employed as one of the experts to examine the voting machines in June, 1911. Witness was recommended to Mr. Stuart as an expert by a Mr. Scull, an auditor at Armour's. Mr. McCord of Armour & Company told witness to see Mr. Stuart.

1241 Witness saw Mr. Stuart and introducing himself presented Mr. Scull's card. Witness told Mr. Stuart that he was the gentleman Mr. Scull had spoken about to him. Mr. Stuart said he wanted witness to examine four different makes of voting machines.

1242 The conversation occurred at the Election Commissioner's office. Witness talked with Mr. Stuart at no place else. Talked with Mr. Stuart three or four weeks before he began work as an expert.

The only time the witness met the other experts was when he went with them to Judge Owens. Witness never saw reports made by other examining experts.

1243 Witness does not remember seeing the specifications while examining the machine and did not know that any had been issued at the time of soliciting bids.

Witness did not examine any blue prints or photographs or instructions as to the operation of any of the four machines.

Witness testifies he saw the instructions in a small room adjoining the room where the machines were and thinks he remembers the blue prints were in a kind of book form; does not remember whether or not they were sealed. The package of blue prints in book form, the witness thinks he remembers, was open. Witness thinks

refers to the International machine. Thinks that the International was the only machine that had blue prints there..

1244 Witness does not know whether any other blue prints were opened.

The experts had the aid of demonstrators of several machines. The demonstrators were with the experts about half the time and were accessible the other half.

1245 The experts did not take the machines apart and all that the experts saw was what could be seen from the front, and then in the rear when the doors were open.

1246 Witness thinks the experts and the demonstrators were the only ones that voted and that afterwards Mr. Czarnecki and Mr. Kellermann tried their hands at it.

1247 Witness thinks the experts put in all of three days on the Empire voting machine.

1248 Mr. Barr was not in the room where the machine was. Witness met Mr. Barr, but at no time talked with him about the machine. Mr. Barr was there during the three days.

Witness had never before examined a voting machine. Had voted on one once at Whitestown, New York, in 1898, when he cast his first vote.

1249 Witness' acquaintance with voting machines is limited entirely to what he did on these machines. Witness believes the Empire voting machine fulfills all the requirements of the State Ballot Law. Witness does not know what the requirements of the State law are, but "we had them up when we examined the machines."

Witness said that a split ticket could be voted on an Empire machine at the general election, but not at a primary election. "I do not believe that anybody could vote a split ticket in less than a minute in a primary like the last April primary." That was the Chicago primary of 1912.

1250 Witness does not include voting on public utility questions but just the names. It would require more time to vote on public questions.

Witness' attention is called to the fact that there is no split ticket at primary elections, and lets his answer stand as to general elections.

The reason for not voting in a minute at a primary is because there are so many names.

1251 As to materials in the machine, witness has no inde-

pendent recollection, but reads the report and says "It states here steel, aluminum, bronze, and other composition metals."

- 1252 Last fall's election was a general presidential election. Witness thinks that a man might vote the ticket in one minute if he was familiar with the ballot and "did not want to cut his ballot all to pieces. In splitting, an ordinary, intelligent man can vote in a minute, I believe." If he desired to split his ticket very generally, witness thinks he couldn't do it.

As to the possibility of the metal used in the Empire machine corroding witness only knows that the process that they had, of course, on their metal prevented it from
1253 corroding. The demonstrator claimed it. The demonstrator claimed the metals were shererdized. Witness does not know what this process is or what it would do except as the demonstrator told him.

- 1254 Rust would interfere with the operation of the machine at the working points unless they were oiled. The experts examined the machine in reference to primary devices.

If the machine were set in a certain place a voter could vote for candidates of his own party and also for those of any other party at the same time. The custodian could set it so this could be done. The judges could do nothing. The custodian could do this by setting the primary lever at zero. When the lever is set at zero the voter can vote any candidate on the machine. "But there is a lock
1255 in the machine that prevents that, as near as I can remember."

"It is under seal when the custodian sets the machine and throws that lock down preventing the primary lever from going to cipher after he has the machine set."

The seal referred to is an ordinary wire seal with a leaden ball on both ends. Witness does not know whether it is numbered and registered for identification.

- 1256 According to the report the Empire machine has no restriction on the number of inspections of the counters and registers by the judges.

Witness thinks there are cases to arrange the machines for transportation. Witness is asked if it is convenient to put a machine up in a case and put it out, and answers: "A. I think they roll right on their own casters."

- 1257 Witness does not know whether the Empire machine

has castors. Witness saw the machine cases and thinks the machine the experts examined would run into the room in its case.

1258 "They had four or five big, husky fellows there to take it out."

Witness does not remember the weight of the machine, but same report says it is 904 pounds.

The first Empire machine examined by the witness was a 7-party, 50-key machine. It was this machine that weighed 904 pounds.

1259 Witness does not remember the serial number on the machine, nor where it was made.

"Q. Was the machine, the Empire machine, marked, was the machine marked 'Empire' or 'United States Standard'? A. I do not remember of seeing the plates." Indicating the make of the machine.

It took four men to handle the first machine. Witness would not call any of the machines convenient to handle.

The second Empire machine handled was heavier than the first because it is a larger machine.

Witness did not take the serial number of the machine and does not know where it was made nor whether it was marked "Empire" or "United States Standard." Witness does not remember the weight of the second machine.

1261 The second Empire machine was provided with a party-key. Both the Empire machines had a party-key. Witness thinks the party-lever and the party-key is a matter which is optional with the town purchasing machines. The party-lever casts the vote for each individual candidate and the party-key makes one mark like a circle on a straight ticket.

1262 "It also makes it necessary to add the ballots cast on the party machine to those cast on the individual keys. This advantage could apply to any machine which has a party-key instead of a party lever. The advantage of the party-key, on the other hand, are simplicity of construction and less mechanical complications."

It was the opinion of the experts that the party-lever would be an advantage over the party-key because it would add the straight ticket to the irregular ticket, and

1263 give the total on the machine. Under the party-key system the judges had to call off the votes and the clerks put them down and add them.

Witness understood that in making the statements in the report in regard to the absence of a party-lever, the experts intended that the commissioners would have the manufacturers correct this defect to make it a machine that came up to the views of the experts.

Witness does not believe that a party-lever could be
1264 placed on the Empire machine. If it were done, it would be necessary to have some mechanism connecting with each counter. There are 700 counters on a machine, and to attach the party-lever would be some job. Witness does not think it would be difficult and cannot say whether it would be expensive.

1266 The Empire machine was ranked third in regard to relative convenience of handling.

The experts examined the grouping devices on the Empire machine as to their operation. The demonstrators explained all the operations to the experts.

The witness does not think the legislative grouping devices could be arranged so that the voter could cast 6 votes for Representative, if the machine is set correctly by the custodian.

1267 Witness thinks the custodian could set the legislative grouping mechanism so a voter could vote more than 3 votes.

The experts relied on the demonstrators for setting and controlling of the legislative grouping device.

1268 Witness does not think the custodian could set a machine so that voter could vote twice for one candidate.

The custodian could not set a machine so that the voter could vote a straight ticket and also for another individual candidate.

The experts examined the device restricting women's voting.

1269 The machine could be set by the custodian so that women could be restricted.

On examining the experts' report witness said that an error by the voter could be corrected by the judge on an Empire machine. The witness cannot explain how this could be done by the judge. The witness' present recollection is that the judge could do it.

1270 The Empire machine had a releasing knob. Its purpose was to enable the voter to get out of the voting machine without voting if he desires to do so or it could be pulled by the judge.

The witness is asked to look at the machine in the room to refresh his recollection.

Mr. Deneen asks that Mr. Stuart deliver the keys so as to facilitate the examination.

1271-2 "The CHAIRMAN. The custodian has them.

1273 After examining the releasing knob on the voting machine, the witness is asked as to its function, and states that if the voter goes out of the machine without voting it will be necessary to release the releasing knob before the operating lever could be returned to its normal position. The same thing can be done by operating any key on the machine.

The witness is shown a sample ballot on the machine
1274 and his attention called to two keys, one of which is blank and the other marked "H. H. Hahn 1 1/2 votes," the keys being numbered 22-D and 23-D respectively, and asked if the voter who votes some other ticket than the straight Socialist ticket, pulls down the key marked 23-D on the machine, how many votes he casts for Mr. Hahn.

He answered, "My memory of the grouping device is not very clear, but I should say that Mr. Hahn got one vote, one and one-half votes, rather."

"Q. Now, if he pulled the 22-D down, what would happen, there is a blank space there? A. I don't believe that he could pull 23-D down if the grouping device is set correctly.

"Q. He would get just 1½ votes? A. 1½ votes; yes, sir."

The witness does not know whether any other suggestion made by the experts was incorporated in the Empire machines sold to the City of Chicago.

Cross-Examination by Mr. McEwen.

The witness is not a graduate of any college and has no degree. He has worked at the bench.

1275 For the past two and a half years the witness has had charge of the Chicago office of the Moon-Hopkins Company at the mechanical end; this means that he goes out and keeps the machines in working order.

In voting machines it is not necessary to have drawings or a model.

After a machine is built, one would go to the blueprint

only to get the number of a part or a measurement once in awhile:

- 1276 Every part has a number in the blueprint, but not on the machine. The blueprint is an index to the machine. In examining a machine to see whether it operates properly, the machine itself is examined, not the blueprint.

Witness thinks there are five keys for the various compartments of the Empire voting machine.

- 1277 To change the grouping device or set the counters, a man would have to have the five keys.

No. 1 key is for the padlock on the voting lever. No. 2 is the operating knob. No. 3 is the rear door. No. 4 is the custodian's key, giving admission into the grouping devices part of the machine, and No. 5 unlocks the operating lever of the counters.

VOLUME XIV.

Afternoon Session.

Thursday, July 31, 1913.

WILLIAM WOOLEY, resumes the stand:

- 1279 "Q. I understand, complying with request of counsel for the committee, Mr. Huff, the custodian for the Election Commissioners has turned to Prof. Leutweiler the keys to the machine that is now in this room.

"The CHAIRMAN. Your five keys.

"Mr. McEWEN. Mr. Huff also left with me two reports of the examination of the machine, which I would like to have identified and left with the Chairman.

"The CHAIRMAN. That is for the purpose of making the record.

"Mr. McEWEN. If the machine is to be subjected to any test, I think that ought to be the procedure. One is called the Assemblers' Certificate and one is called the Examiners' Certificate.

"The CHAIRMAN. The assembler is the man who sets the machine with reference to the grouping and cumulative voting?

"Mr. McEWEN. And the examiner is the one who goes after the other and checks it up, the one follows the

other. I think if there was going to be any change, these
1280 ought to be left with the Committee.

“The CHAIRMAN. There is no objection with the
Chairman. The examiner has not tried yet—

“Mr. McEWEN. It does not seem to be tried, I don’t
know whether—

“The CHAIRMAN. It doesn’t make any difference, that
is, if Mr. Huff has now put the machines in working or-
der for election.

“Mr. McEWEN. Yes, they have been gone over twice
by somebody or other.

Witness did not solicit appointment as expert. Wit-
1281 ness met Abbott and Chamberlain for the first time in
the Election Commissioners’ office the day they went be-
fore Judge Owens. Neither the Election Commissioners,
Judge Owens, nor any employe suggested a preference for
one machine or another or interfered with the work of
the experts.

Witness gave 70 hours as a rough estimate of the time
spent on all four machines.

1282 It was 15 years ago that the witness voted once
on a voting machine. At that time he had no knowledge
of voting machines. Simply went in and voted. Does
not remember the kind of machine it was.

The second examination by the experts, that of the 70-
key Empire machine, was made about four weeks after
the report on the other machine. The second report was
not signed at any Board meeting.

The second examination was on the question whether
the 70-key machine would do the work as well as the 50-
key machine.

1283 Witness thinks the same principles would operated as
well in a 70-key machine as in a 50-key machine and
the report stated that they would work on a 100-key
machine, or twice that number.

If a machine is enlarged, it has to be considerably
strengthened. Witness sees no reason why the enlarge-
ment of a machine would result in an accumulation of
space down at one end so that the machine would not
work properly.

The experts’ report stated that the Empire machine
was rather heavy, but, as a mechanical expert, witness
sees no way of lightening this particular machine to any
appreciable extent.

1284 For a 9-party, 70-key machine, with 730 voting points.

the Empire machine is very well built. Witness does not believe that much weight could be taken off the machine with a ballot of this size, the Chicago ballot.

In relation to the working of the party key, the machine examined by the experts worked well. Either a party lever or a party key works well. It is the option of the purchaser.

In saying that the Empire machine and the Triumph machine had no device to restrict the number of inspections, witness meant that the judges who had the keys could go together and move the counters. Witness says the judge could not move the counters. To move the
1286 counters the seal would have to be broken and the counter device unlocked. He would have to have the key provided for that purpose.

1287 Witness thinks that you cannot unlock door No. 1, the one on the end, before the back rear door is unlocked; that is, lock No. 3.

When the rear door is unlocked, the counters can be looked at, but not the grouping device. The custodian has the key to the grouping device, and all that is done to the grouping device is done before the machine leaves the warehouse. The custodian has the key to the lock on the counters and the grouping device. The judges do not get it.

Witness does not now remember the objection to permitting the judges to look at the counters more than a given number of times.

1288 If they stopped voting to go back and look at the counters every 15 minutes it would not affect the counters any.

From his examination the witness did not see where the voter could "beat" the machine.

Witness could not see where the machine could be disarranged to register falsely without its being detected.

The protective counter is enclosed in a metal case which would have to be knocked off before you could get into it. It keeps on counting, is never turned back, and works in conjunction with the public counter as a check on the judges ringing up extra votes on the machine. The last reading on the protective counter would have to tally with the number of votes on the public counter.

The demonstrator of each machine examined was present, but not the opposition demonstrator.

1290 Witness' attention is called to the report of the experts regarding the Empire machine, "The wrong setting of counters" as a possibility of fraud, and asked if judges could do this, and witness answered: "He could
1291 do it with his three keys."

Under the heading of "Fraud by Custodian," the report says, "Disconnect actuating mechanism from one or more keys," witness is asked if this could not be readily discovered by the voter and says, "If the custodian could disconnect those keys in such a way that the keys would operate themselves, but still be disconnected from the counters, the voter would have no way of—the voter would have no way of telling."

Witness could not say whether this could be done or not.

The voting key, even when disconnected from the actuating mechanism, might be fixed by the custodian so it would pull up or stay down as he pleased.

1292 The experts opened the machine so as to see the actuating mechanism between the voting key and the counter. Witness cannot recall whether he saw any parts that might be changed or interfered with so that a disconnected voting key would work as though it were connected.

1293 Witness cannot describe the actuating mechanism.

"Q. You say in your report, 'Absolute proof against fraud by custodians, judges or voters, or by connivance by two or more of these parties, is, of course, impossible, but certain precautions may be taken which will make voting machines reasonably secure in this respect.' Have you in mind now any precautions which might be taken to make a voting machine secure? A. No, sir.

Q. Do you think a rubber band can be used on this machine? A. No, sir.

Q. Isn't that one of the objections to a party lever, in that rubber bands can be used more easily on a party lever machine? A. I think we had that rubber band in the report; I think you will find it in there.

Q. You say here,—changing the subject slightly—'Your commission considers that the designers of the machine can easily provide protection which will prevent a judge from so tampering with the machine,' that is, rubber bands,—let me go back a little—you first refer to rubber bands, and then you go on with this: 'A more serious matter, however, is the possibility with

this same machine of disconnecting an individual counter from a party lever, which can be done by the custodian before the machine is sent out or by the judge at the time of his inspection at the polling place. Your commission considers that the designers of the machine can easily provide protection which will prevent a judge from so tampering with the machine, and a rule requiring judges to test all voting levers and keys before the polls are opened, would detect any false setting on the part of the custodian.'

Do you think the judge in the polling place would be a check on any fraudulent setting of the machine? A. No, I think we had in mind then that instead of setting the machine at zero, set all the counters at 999 and put the machine in operation at the booth, and have the judges vote once and go to the rear and then have another inspection to see if all the counters had gone to zero.

Q. Your idea was to use the judges as inspectors on the machine as well? A. Yes, sir.

Q. That would immediately detect any disconnection of a counter? A. Yes, sir.

1295 As to the material used in the machine the witness could not make any objection to it.

1296 The witness' bill for services was \$350, Mr. Chamberlain's bill was \$725. Witness did not know what they charged. His price was \$25 a day.

Witness does not consider himself a voting machine expert.

Before the examination of the machines nothing had been said to the witness or the expert about not permitting demonstrators of other machines to be present during the examination of any particular machine.

Witness says, "Well, when a man is demonstrating his own machine, he should demonstrate his, and not the other fellow's. That is why we did not want the other fellows around."

1297 The demonstrator of his own machine would not give bad points, only good points.

Witness does not believe that the counter used on the Empire machine is a Veeder meter. Thinks that it is made by the Empire people themselves.

1298 The counters on the other machines were different from each other and from those on the Empire.

"Senator BARR. I just want to ask the Governor, does

the State law require that they could be voted in a minute?

“Mr. DENEEN. A minute, yes.

“Senator BARR. Q. Mr. Wooley, did I understand you to say this morning that they could not vote one of the primary ballots in a minute?

“Mr. McEWEN. The primary of last year, of April, 1912.

“Senator BARR. Yes.

“The WITNESS. A. No, I said they could not vote that primary in a minute.

“Senator BARR. Q. Did you report that this machine complied with the State law?

“A. Yes, sir.

“Q. I just don’t understand how you reported that, when the State law requires that it should vote in a minute and you state they can’t vote this particular ballot in a minute. I don’t understand your position on that.

“Mr. McEWEN. May I suggest, that the election of 1299 April, 1912, was held a year after, or nearly a year after the examination on which they made their report?

1302 Witness is asked as to his statement that a key disconnected from its actuating mechanism could be pulled down and go back to the voting position as though it were still connected, but says that they could manipulate any machine.

1304 Witness will not state whether there is any objection to any machine because it will not accommodate the large Chicago primary ticket and says that “the big ballot had not been out when we examined it.”

1305 Witness would not state whether it is an objection now that the big ballots are out.

“Senator BARR. Of course, they had the same law then as they had now, as I understand it.

“Senator CANADAY. I would like to get the opinions of the attorneys on both sides as to whethery they believe that this law contemplates voting in a primary election.”

1306 “Senator LANDEE. This law, as I understand it, was passed in 1903.

“Mr. DENEEN. Yes. There was no primary election law in the state at that time, it was passed in 1907, I believe, 1907.

“Senator BARR. Oh, there was no primary law then?

"Mr. DENEEN. Yes, there was a primary law then, but not this one.

1315 Witness thinks that it is necessary to pull the voting key down to the bottom in order that it may register.

To determine the pull on the lever of the Winslow Machine, which is said in the report to be 75 pounds, witness thinks the expert used a spring scale either 75 or 50
1316 pounds, and which the lever pulled to the end. Witness cannot say how that takes exactly the pull.

"Q. Didn't you have, in fact, a 50-pound scale and estimated it and didn't you say then, 'Well, we will give it 50 per cent. more and make it 75 on the Winslow Machine?' A. I think that was right, I think it was a 50-pound. We pulled the full capacity of the scale and the lever would not work and so we put 20 to 25 pounds more to it."

1317 The witness would not think the present machine free from criticism if the changes recommended by the experts' report had not been made.

Witness had in mind in the suggestion that counters should be set at 999 and the election judges make an experimental vote a check on fraud on the part of the custodian.

1318 Otherwise there would be no check on the custodian.

1319 "Mr. DENEEN. This is your report (reading): 'Provisions—the provisions are there prescribed and recited—and recite the number of inspections of counters by the election judges before and after the hours of voting.' (Reading): 'Your experts consider it highly desirable to make provision for a limited number of inspections by judges, which provision is made in the International and the Winslow but it is not provided for in the Triumph and the Empire. It seems that it would be a rather
1320 simple matter to include such an attachment in the mechanism of these two named machines.' You remember the International punched a ticket in the morning?"

Witness remembers that the International machine made an impression or printed copy of the counters.

1321 Witness thinks that fraud might be perpetrated on the International by somebody moving the counters after the impression was taken.

1322 In suggesting that the Empire machine should be placed by the custodian at 999 and the judges take an experimental vote upon it in the morning, putting it at

zero, the experts had in mind that the judges would be better able to determine in that way whether the machine was in working order and whether the custodian had tampered with it. As the machine is, there is no such check against the custodian.

The experts investigated to see whether fraud could be committed on the machine by anybody, by the judges, voters or custodians.

- 1323 The witness says the voter could commit fraud upon the International if he was possessed of a key. He would have to have five keys to do it on the Empire. If the voter had five keys to do it he would be very readily found out.

The judges with five keys could do it. They already had three.

- 1324 Witness didn't consider this a defect in the machine.

- 1325 Witness thinks there should be a check on the custodian, on the judges, and on the voter, with any machine.

CLARENCE E. DEPUY:

- 1326 Lives at 411 North Elmwood, Oak Park. Is a teacher at Lewis Institute. Witness has charge of the shop at the Lewis Institute and also of some of the machine designs, pneumatics.

The Lewis Institute is a polytechnical school for many branches of work, including mechanical and electrical engineering. It has a student body of 960 day students and 2,000 night students. About 2,500 night students last year. It has a faculty somewhere in the neighborhood of 50, and the Institute ranks with the best of its kind in the country. Witness has been Professor in the Lewis Institute about 17 years.

- 1327 The witness has been called at various times to examine voting machines, the first time in the fall of 1907. Chief Clark Powell had told Mr. Carmon, director of the Institute, that he wanted someone to examine voting machines. Witness told Mr. Carmon that he knew nothing about voting machines, but had given a great deal of attention along similar lines of mechanism.

Witness later called on Mr. Powell and went with him to see Judge Rinaker.

- 1328 Witness was thereupon employed as expert. On the first examination the witness had to take care of his

classes up to 3 o'clock in the afternoon and spent several weeks in the examination which began sometime in October and was not ended until nearly the end of November.

The report made by the witness at that time has been presented at this hearing and read.

Later the witness was called upon by the Election Commission to examine another set of machines. This was in March, 1908.

There were six machines in the first lot and six machines in the second lot. Four of the same machines.

1329 The second examination covered a long time, but the witness thinks not quite so long as the first time.

Witness' associates as experts were the same men in both cases, Mr. Olson and Mr. Leutweiler, and in the first examination Mr. Breckenridge of the University of Illinois. The experts worked independently and none knew who the others were.

Witness examined the voting machines for Election Commissioners the third time in the fall of 1909. This examination extended over several weeks also. The witness' time on each examination was broken, as he could devote only part of his time to the work.

1330 The same men acted as experts on this examination.

There were four machines on the third examination, the Triumph, the Empire, the Wilcox and the Winslow. This examination was made by the experts individually. Neither expert saw the others until the examination was all over, and then they were called together in the Commissioners' room to go to the machines and do what they could with them. That is the first time the experts met, sometime in October, 1909.

The so-called "Knock Fest" was held in 1907 and was between the machine men themselves. The experts who had been examining the machines for the Board were not in that.

1331 The witness also participated in another examination for the Board of Election Commissioners in the summer of 1910. The commissioners wanted the report as soon as they could get it.

The first machine ready for examination was the Empire. Witness examined that machine and made report July 1st. At that time that was the only machine ready for examination.

The next machine that came for examination was the

Triumph. The witness examined that and made his report July 20th.

The next machine examined was the Calkins and the report made in August.

The witness has made no examinations since of other machines.

Witness has heard these reports read by Judge McEwen, who introduced them in evidence.

The witness has been making an examination of an Empire machine recently.

1332 He began about 2½ weeks ago and has been associated with Mr. Olson and Prof. Leutweiler. The examination was made in the La Salle Hotel, where the machine was under examination at the request of the Legislative Investigating Committee for nearly three weeks.

Mr. Dencen produces a memorandum containing report of examination of voting machines which is in the form of question and answer. The questions are read to the witness and the witness gives the answers from this memorandum, as follows:

1353 The questions read from and answers given from the memorandum are admitted in evidence subject to withdrawal upon objection.

The witness thinks the workmanship of the Empire machine is good. It is composed of steel, bronze, aluminum, composition metal, white metal.

1354 In the Empire machine examined by the witness recently, some parts were protected from corrosion by enamel, some were shererdized and some were copper-plated. In many places this is satisfactory; in some places not. Some places on the machine examined already show evidence of corrosion. Witness does not think this serious at present.

1355 In the course of time there might be trouble through rusting. Not all the steel parts are protected from corrosion. Some of the springs are not, and the restricting rollers in the bottom of machine do not seem to be.

A voter could commit fraud while concealed by the curtain of the voting machine.

“Q. In what way or ways?”

(Thereupon members of the legislative committee and the witness and counsel went back to the voting machine

1356 present in the room and the examination was continued at the machine.

Q. Can a voter commit fraud while concealed by the curtains? A. Yes, sir.

Q. In what way or ways? A. A voter can be prevented from voting for any particular candidate.

Q. In what way? A. By pressing a wire clip on the key-handle.

Q. Describe the wire clip. A. It is a small coil of wire with a point bent at right angles with the face of the coil.

Q. What will this do? A. By applying this to the handle of the key, the wire protrudes into a channel in the face of the voting machine and under the key, preventing the key from being moved forward.

Q. What color is this wire clip? A. Black.

Q. To correspond with the color of the machine? A. Yes, sir.

Q. If the voter follows the instructions laid down for the operation of this machine, for voting a mixed ticket, how may he be deprived of a vote for any particular candidate by the use of this clip? A. By moving downward the keys for the candidates in other parties for whom he
1357 desires to vote, and then following the instructions, running his finger along the horizontal row of the keys of his parties from right to left.

Q. What other devices, if any? A. A wire bent in the form of a question mark, with its point bent at right angles, when placed in the channel back of a key, one end resting on the hub of the key and under the channel and the other end projecting under the key and outward, prevents the key from being moved downward.

Q. Is there any other device?

A. An angle strip. This is a small piece of sheet
1358 metal bent in the form of an angle. This is placed in the right-hand corner of an aperture in the irregular slides, the lower end resting on the top of the slide, the upper resting in the upper right-hand corner of the aperture. This prevents the slide from being moved upward.

Q. How is the angle steel concealed? A. No attempt is made to conceal it, but the edge only is visible and is so thin as to be scarcely visible and unnoticeable unless called to one's attention, and then only with a strong light and good eyes. It is made the same color as the slide.

Mr. DENEEN. Q. These little pieces of metal are all made by hand, are they, Professor?

A. Yes, sir.

Q. Now, is there another angle strip, is there any other device? A. An angle strip. This is a small piece
1359 of sheet metal bent in the form of an angle. This is placed in the right-hand corner of the aperture in the irregular slide, the lower end resting on the top of the slide, the upper resting in the upper right-hand corner of the aperture. This prevents the slide from being moved upwards.

Q. Now, I think we might describe further. The angle steel is put in one of these slides (indicating)? A. Yes.

Mr. DENEEN. I would like to have the Committee try that, and then later after they have tried it, see if they can find any defects, find out what the trouble is.

Q. You have to move them up to write the name in.

Mr. DENEEN. Let Judge McEwen do it, too.

The WITNESS. Several of them won't drop.

Mr. DENEEN. Q. Several of them won't drop; what is the reason, what is the trouble?

The CHAIRMAN. Pull them all; they ought to act freely.

Mr. DENEEN. Which one is that? Let us see what the trouble is with number four, it being the first one. Let us take them as they come, four and eight, see what the trouble is.

The CHAIRMAN. Do you see any trouble there, Senator Landee?

Mr. DENEEN. Now, has the Committee examined them enough?

The CHAIRMAN. Senator Canaday, do you want to examine this? Step over.

Mr. DENEEN. When you are through I will ask him some questions, to explain the matter, to explain what the trouble is.

Mr. DENEEN. Q. Professor, will you tell what the trouble is, and tell it to the Committee?

A. A small strip of angle steel is placed in that slide (indicating) above the spindle; pull one of them out and it shows what is the matter with it here (indicating).

Q. Now, tell to the Committee what the trouble is with it. A. The machine must be so a voter can vote any candidate he wants, and the independent ticket.

Q. Will you describe now the angle strip? Let him

1360 describe it. Now you may describe it, Professor. A. An angle strip. This is a small piece of sheet metal bent in the form of an angle. This is placed in the right-hand corner of an aperture in the irregular slides, the lower end resting on the top of the slide, the upper resting in the upper right-hand corner of the aperture. This prevents the slide from being moved upward.

Q. How is the angle steel concealed? A. No attempt is made to conceal it, but the edge only is visible and is so thin as to be scarcely visible and unnoticeable unless called to one's attention and then only with a strong light and good eyes. It is made the same color as the slide.

1361 Now, will you ask the question, Governor.

Mr. DENEEN. Q. Professor, can a voter place a rubber band on these keys to prevent the movement of any of the keys; is there any other device that a voter can place on the machine when back of the curtain?

A. Yes, sir, this rubber band.

Q. Put a rubber band on one of them? A. A rubber band is not a very good device to try to use on a voting machine.

Q. Put one on the machine. A. Yes.

Q. Right in front of them, and then they can see how it is worked. I suggest that they be put so the Committee can see it in the grouping device, and then they can see whether the voter would see it.

The CHAIRMAN. Here is a man voting the straight Republican ticket, and of course it is understood that he comes along and votes; he stands up in front of the machine and votes for the Republican ticket and throws his hand along like this. Now, of course, he doesn't know that that rubber band is there, is there nothing to call his attention to that?

Mr. DENEEN. Especially in groupings like County Commissioners.

The CHAIRMAN. He would never discover it. A man may go in there and then within thirty minutes another man would come in, then within the next thirty minutes another man, you could get twenty of them in there like that working like a team.

Mr. DENEEN. Q. Professor, will you describe the effect of this rubber band on the keys?

A. The rubber band on the key allows the key to go down as the voter pushes it in voting position, but the

rubber band returns it to normal position, non-voting position. Take a rubber band three-eighths of an inch long
1362 and put over the handle of one key and under the hub of another immediately preceding it at the right. The effect of it is to return the key after having been voted to its non-voting position without registering a vote.

Q. And can the machine be manipulated by the judge or judges? A. Yes. We have now past what the voter can do.

Q. Now, we come to what the judge or judges can do. I am now calling your attention, Professor, to the judges, what the judges of election can do to our machine by manipulating it among each other. A. Yes.

Q. And how? A. Yes.

Q. In what way? A. First the judges of election may
1363 have access to the counters any number of times. If they know the condition of the counters before a voter goes into the booth and casts his ballots, they can look at the counters before the next voter and will know exactly how the first voter voted. The secrecy of the ballot is destroyed. (2) The judges can keep informed as to the progress of voting in elections and primaries and can give information to party officials and workers. (3) They have access to the keys and can manipulate them in any of the ways heretofore indicated.

Q. What else can the judges do? A. They can disengage the pawl which engages the ratchet controlling the irregular paper roll and by operating two or more widely separated shutters permit the voter in front of the machine to manipulate the paper roll by moistening his fingers and pulling it downwards. The voter is thus able to vote for more than one candidate in an irregular slide or in several slides. If a subsequent voter desiring to cast an independent vote finds a name already written in the slide he opens, the only way the judges can remedy the situation and permit him to vote requires them to open the door back of the machine.

Q. Now will you show to the Committee what you mean by that, disengaging the pawl which engages the ratchet controlling the irregular paper roll? I suggest
1364 that Committee just step around and you will see him. A. Now, by opening two slides here we can move the paper, but, suppose I have written in a name there and

another name in there (indicating) the paper cannot be moved without operating the key.

Q. What else can the judges do regarding the misreading intentionally or otherwise, of the registers in the machines? A. He can misread purposely or unintentionally the registers in the morning. He may make, purposely or unintentionally erroneous additions of straight, split, independent and irregular ballots. The judges will be able to set the counters in the machine before the polls are open if they can gain access to the compartment containing the counter locking device, and are provided with the necessary key to unlock that device.

VOLUME XV.

1366

Morning Session.

Friday, August 1, 1913.

CLARENCE E. DePUY resumes the stand:

Mr. DENEEN. I will take up where we left off yesterday, if the Commission please.

Q. Prof. DePuy, what else can the judges do? A. The judge can manipulate the question knock-out in such a way as to enable anybody to vote on all questions, and on primary day the judge may fix the primary lever at zero and enable the voter of any party to vote the primary ticket of any party or vote a split ticket. The judge may also intentionally or otherwise deprive the voter from voting for his party by moving the lever while the voter is going into the front of the machine.

Q. Shall we just demonstrate that as we did yesterday one at a time, maybe we had better do that.

Senator BARR. I think we better.

The CHAIRMAN. If you care to, it will be just as well.
1367 Are you going back to the machine?

Mr. DENEEN. We will have to arrange for the stenographers so that they may have access.

Mr. DENEEN. Yes, I think we had better.

Whereupon the Committee repaired to the rear of the room to inspect the machine in a body, and the following proceedings were had in front of the machine.

Mr. DENEEN. What else can the judges do, professor?

A. The judge can manipulate the question lock-out in such a way as to enable anybody to vote on all questions, and on primary day the judge may fix the primary lever at zero and enable the voter of any party to vote the primary ticket of any party or vote a split ticket.

1368 The judge may also intentionally or otherwise deprive the voter from voting for his party by moving the lever while the voter is going into the front of the machine.

Q. Now, what else can the judges do? A. The question lock up there is at this end, in general elections there is nothing to prevent the judge from moving this at any time. If it is set there, they can vote on questions from one to five, and if here, from five to ten, and here, all above ten, and if set there they can vote for nothing.

Representative JAYNE. This can be set so that a woman can vote on a man's question?

A. Yes, if the questions were put on the machine in such a way that it would restrict the question which the women were expected to vote on, it could be set so that the women cannot vote from one to ten, or it could be set so that the women's questions could be from one to ten and the questions for men beyond that, and then if this was set at this point, only the questions from one to ten could be voted for, and if at this point then the questions beyond ten, this time, could be voted.

Mr. DENEEN. When you say this point and that point, will you explain it so the reporters will get it.

A. Zero, one, two, three and four.

1369 Mr. DENEEN. When set at zero, they can vote anywhere?

A. Yes, they can vote anywhere.

Representative JAYNE. If men and women voted alternatively twenty-five or thirty times, the judge would have to keep changing this each time?

A. Yes.

(The committee, counsel and witness go to the machine present in the room.)

The witness states that the judges could, intentionally or otherwise, deprive the voter from voting for his party by moving the party lever while the voter is going into the booth.

The judges can, by manipulating the question lock-out

permit women to vote on questions not permitted them by the law.

There is no way in which the judge could prevent the voter from using the party key at the left hand end in the row devoted to Independent candidates on the Empire machine as at present constructed.

There is no Independent Party but there is a party key at the end of the row for Independent candidates and this key cannot be locked as the machine is constructed.

There is no restricting device as long as the party column is in use.

1371 The candidates on the Independent row do not belong to the same party, but may be opposed to each other.

1373 The custodian cannot fix the machine so that the voter, when he pulls down the party key, votes for all the candidates. That is a matter of construction of a vote on the party key given by the judges.

1374 The judges may have duplicate keys made like the keys of the custodian by connivance with somebody in the custodian's office. This is not a difficult operation. Witness has made duplicate keys for the present machine since he got the keys.

"The WITNESS. There is a duplicate to the lower key, Lock No. 4, and there is a key to the lock that sets the counters.

"I have not had the keys in my hands more than five minutes since the keys were delivered.

"This one I made from an impression on a piece of blotting paper."

"The WITNESS. This one, a Yale lock key, I made from a little device which any locksmith has."

1375 The legislative restricting device can be set so that the voter can vote more than the legal number of votes for Representatives for the General Assembly. The device can be set so the voter can vote for three, four, five or six.

1376 The custodian can set the counters so that the vote will not be indicated on the machine as set by the voter.

(The Committee and the counsel thereupon inspected the counters at the rear of the voting machine.)

The public counter is read as standing at O-15, and the protective counter at 003069.

1377 Mr. Dencen states that the judges of election are re-

quired to inspect the counters before the election begins to see that they are all set at zero.

- 1378 Members of the Committee inspect and read the counters on the back of the machine as follows: 42-E, 1 vote; 38-D, 1 vote; 38-C, 1 vote; 37-D, 1 vote; 15-E, 1 vote; 10-E, 1 vote; 6-E, 1 vote.

(The doors of the machine are then closed and certain members of the committee, a Democratic and a Progressive member vote upon the machine.)

"Mr. DENEEN. Now, Mr. Chairman, I will ask that one Democratic member of the committee vote 16 votes and one Progressive member vote 16 votes and let the other members of the committee keep count and see that they vote 16. Will you select one of the Democrats and one Progressive?

"Mr. McEWEN. Why 16? Why not 17?

"The CHAIRMAN. Make it 18 or 20.

"Mr. McEWEN. There must be some magic about that.

"Mr. DENEEN. Let him say any number, but don't make it too long a number.

"Mr. McEWEN. I will say number 22."

Senator Canaday voted 22 times on a straight Democratic ticket.

Representative Jayne voted 22 times straight Progressive ticket.

- 1379-1382 Mr. DENEEN. Now we will have one of the members of the committee cast twenty-two votes for Judge Rinaker as States Attorney and the same for Mr. Hoyne.

Senator Barr does the casting for Rinaker and Hoyne.

The CHAIRMAN. The public counter now shows 103.

Mr. McEWEN. How much does it show? 103?

The CHAIRMAN. Yes.

Mr. DENEEN. You voted twenty-two for the Progressive, twenty-two for the Democratic, that is forty-four, and twenty-two for Rinaker and twenty-two for Hoyne, that is eighty-eight.

Mr. McEWEN. It ought to be 103.

The CHAIRMAN. May I look at it? 103 is the public counter. Now read the total here on the protective counter, this is 003157.

Whereupon the rear doors to the machine were opened and the counters left open for inspection of the committee.

The CHAIRMAN (reading the counters): "B-12, F-32, A-24-6; B-24, 38.

1379 Mr. McEWEN. We want the opportunity to inspect the counters.

The CHAIRMAN. Without it being touched we will explain how it is done.

Mr. DENEEN. May the Commission remain here, and Judge McEwen too, and we will tell you how it is done.

1380 Mr. McEWEN. I suppose you changed the counters. The counter-wheels. We don't want those changed.

The CHAIRMAN. There is no mechanism changed in the machine, we shall show how that is done now.

Mr. DENEEN. Will you explain how this was done?

Q. The set of operating counters—

The CHAIRMAN. Is that the key, is that your key, the one you made?

A. Yes. The machine will have to be set in that position ready to vote.

The CHAIRMAN. All right, is that all right?

A. That is all right. Now, with that in that position this key can be turned.

Mr. DENEEN. Just a minute, this key, what key is that?

A. This key, this is the custodian's key.

Mr. DENEEN. For what?

A. To fit this lock.

Q. I know, but what lock? A. The one inside the case of the machine, which controls the setting of the counters with this in this position, naturally the counters cannot be moved.

Q. What does it operate? A. This handle in the upper position, he has moved the lever into position ready to vote. Insert the key and turn the key around. This bolt in the lock shoots both ways, this prevents the dial from being voted, that machine could not move with this handle, but that releases this handle and it now moves down.

Q. This releases the lower handle? A. The counter
1381 operating handle, and now these counters can be set either to zero or any number you mind to.

Q. Set them as they were on the straight tickets. Now as to Mr. Hoyne and Mr. Rinaker? A. This was set at 12 and this was set at 32. Now at the beginning—

Senator LANDEE. It read 32, you counted 22 votes, did you not?

A. Yes, before they started you see they set it at a certain figure,—

Senator BARR. So that they covered it?

A. Yes.

Senator BARR. Was that covered up?

A. Yes.

Mr. McEWEN. You covered up the one?

A. Covered up the one.

Mr. DENEEN. Did you do that, or one of the others?

A. No, sir, I have not—

Mr. DENEEN. Is Mr. Leutweiler here?

The WITNESS. This one is set 10 ahead, and the other we set at 990.

Mr. McEWEN. You have got to have the key to set the counters?

A. Yes.

Senator BARR. That is the custodian's key?

A. Yes.

Senator BARR. It would be nothing for the custodian to set them before if he wants to, at the custodian's place?

A. Yes.

Q. And the judges could not detect it?

A. No.

Mr. McEWEN. If they vote one vote, however, then they would get it?

1382 Representative JAYNE. They would not. They would have to vote a test vote every day?

The WITNESS. That would not show the counters.

The CHAIRMAN. Show how you did it.

A. On 24-A and 24-B we did the same thing.

Mr. McEWEN. You set back each of those.

The WITNESS. Yes.

The CHAIRMAN. Set it back 16 and set it ahead 16?

The WITNESS. Just a little piece of paper that we put on there, that is made out of a piece of paper with a little zero painted on, and with aluminum paint, and a little

1383-4 stick 'em on the back.

Senator CANADAY. Where does that go to?

A. The rest of the mechanism peels it off, it cannot do any damage to the machine; ultimately, of course the custodian will find that at the bottom of the machine.

The CHAIRMAN. Yes, but where would the blame go then?

A. I would not want to find it.

1383 Mr. DENEEN. Q. What, if anything, can the custodian do in reference to the manipulation of the machine?

A. He may remove a split vote restriction clip for any candidate and enable the voter to cast a vote for the straight party ticket and another vote for the particular candidate whose restriction clip has been removed. He may, for instance, place a set of counters at 980, which is tantamount to starting them at twenty below zero. When the machine arrives at zero on this set of counters all record of the twenty votes cast disappears, thus compensating for another set of counters which have been set at twenty to give a favored candidate twenty votes to start with. The custodian may place a facsimile of the zeros on the counters, the facsimile made of paper which may be placed over any figure or figures in the three columns of the counters, concealing the original figures and thus permitting a machine to appear to stand at zero when in fact it registers some votes. When the register is again turned in voting, the paper facsimile can drop into the lower part of the machine, to which the custodian alone has access.

Q. I will ask you about what the custodian can do regarding the paper vote in the mechanism controlling it.

A. The custodian may also remove the pawl engaging the ratchet controlling the independent paper roll in the same way that it can be manipulated by the judges, and this manipulation might be undiscovered by the judges in their inspection the day of election.

1384 Q. What can the custodian do in regard to giving a representative more votes than the law permits? A. The custodian may also arrange the machine to allow three votes to be cast for each representative candidate in the same way that the judges might manipulate the legislative grouping device.

Q. Will you show that?

The CHAIRMAN. I will vote it.

The WITNESS. You have to let me fix it so you can vote it. Now, you can go ahead.

The CHAIRMAN. All right.

The WITNESS. The legislative restricting device is a

special attachment which is applied to the machine at any point, so that the ticket can be arranged anywhere. This is the device (indicating) and prevents voting in one group when you have started to vote in another. When the voting has been done by the individual keys, 1385 this bar is raised up; when this is raised it prevents this from going up. When the voting is started in the $1\frac{1}{2}$ votes then this part of the machine is used; when this is raised up, this part cannot be used.

Mr. DENEEN. When you say "this part," describe it, so the reporters will get it, and so the man who reads it will understand it.

The WITNESS. I was showing it to the committee.

Mr. DENEEN. Describe the parts.

The WITNESS. This device is arranged in three sections. This is one section of three votes each; here is another section of three votes each; here is another section of three votes each; and here is another one of three.

Senator LANDEE. Four groups?

The WITNESS. Four groups, of three votes each. It may be set that all can be used; as it is now set, only two of three vote groups are used; and two of these groups are used only, this part is thrown out of action and this section is thrown out of action. When that is on the machine, that restricts the voting to one of those two groups, whichever you start in you have to continue in; but the grouping is done on the back of the machine in the regular way by these grouping pins that were spoken of yesterday. The group for $1\frac{1}{2}$ votes is arranged by pulling out one pin between the grouping pins for that particular group, which in this case is 22 and 23. The $1\frac{1}{2}$ votes as you will find on the face of the machine, is a group in those two columns. The individual legislative tickets are in the group on the face of the machine from 16 to 21, 1386 and those pins are all removed so that it makes it possible to vote anywhere, in that group, but to restrict that to three votes only, there are three compensators put in. I will remove one; they are not pins; those are the pins; this is a compensator; we have taken the pin out so the position for those straps is not restricted lengthwise but we must restrict a number of wedges; these are brought up; this is done by putting in these compensators. It prevents more than the right number being used, but does not restrict the position in which those may be moved.

For each pin if we put in one of these compensators where the pin was removed, then you could not vote at all, but here we have taken out five pins, making a group of six; then put in three compensators which restricts that to only three votes; now, if the custodian leaves out one of these you can vote four votes.

Mr. McEWEN. It depends on the setting?

The WITNESS. Yes.

Mr. McEWEN. Is the voter aware of the number of votes he has voted?

The WITNESS. He is. He has pulled down a certain number of keys. If I pull out another one, you can vote five; if I pull out the other, you can vote six. If the custodian should leave the machine set in that way, any voter could vote six legislative votes.

1387 Senator BARR. Q. For one man?

The WITNESS. No; he could vote three for each of two men. If he votes in the $1\frac{1}{2}$ group, he can vote only two, because that is in a group by itself. You can try that on the machine.

Mr. DENEEN. Suppose you experiment on the machine to see how it works.

The WITNESS. It is now set for four votes. Now I am restricted to those four in that group. I can vote those four for this man or I can vote for another man. I can vote these four only, but I can't votes these two. When the device is properly set then you can only vote three.

The CHAIRMAN. Can you put that device on now as you have it set there?

The WITNESS. Yes.

The CHAIRMAN. Leave it just as it is in regard to the voting. (Whereupon the witness put the device on.)

The WITNESS. Now, that is set to restrict to one group only, but I can vote—

The CHAIRMAN. Is the device on now? Show us how you can vote, how many you can vote.

The WITNESS. I can vote four; if I vote in this group it restricts me entirely from this, as it should do; so, with that device as arranged now, if you vote the regular ticket, it is entirely correct.

1388 The CHAIRMAN. A straight ticket, you mean?

The WITNESS. Yes, if you vote $1\frac{1}{2}$ votes for each of two men on the regular ticket in the regular way, but if I choose to vote individually, I can vote four votes.

Senator BARR. Can they detect this by inspection in the morning?

The WITNESS. No, they do not vote; they can't do it; the machine is locked; if they do, they register a vote.

Mr. DENEEN. A little louder, Senator, please.

Senator BARR. I am inquiring if the judges in the morning could detect this change, and the professor says it can't be done.

1388 Q. They are not allowed to do it? A. No, as the machine is arranged, they would not detect it. By taking out another one of those compensators, I can vote for five.

The CHAIRMAN. To show that, demonstrate it. You have your slugs in there, or your compensators?

The WITNESS. There are two in there; I have taken out one.

The CHAIRMAN (voting the machine). Do you get them on 16, 17, 18 and 19 A, Senator? Have you got them?

The WITNESS. Yes.

The CHAIRMAN. Four votes cast for representative, then?

Senator BARR. Try it again.

The CHAIRMAN. I will cast it now on B—

Senator BARR. Give the same one.

The CHAIRMAN. On A 16, 17, 18 and 19. (Voting on 1389 the machine). Did they register?

The WITNESS. Yes, sir. Would you like to have me take out the rest of them?

Mr. DENEEN. Will you arrange it for six votes?

The CHAIRMAN. Now, if you want to vote three votes 1390 for McNichols and three votes for Marcy, here are 16, 17, 18, 19, 20 and 21 (indicating on machine). Open that back. Now, get the numbers in "A."

A. The numbers in "A"?

Q. Yes. Get 17, 16, 18, 19, 20 and 21. That is three votes for McNichols and three votes for Marcy, as you read? A. Yes.

Q. Voted? A. Yes.

Mr. DENEEN. I will ask you, Professor, to demonstrate on the machine how you can vote a straight party ticket and also an additional vote for another man on the ticket.

A. Yes, sir; just let me adjust the machine.

Senator CANADAY. What officers are you going to set it at?

The CHAIRMAN. Set it in column 25, Recorder of Deeds.

A. What is that?

The CHAIRMAN. Make it in column 25, Recorder of Deeds.

A. Column 25?

Q. In column 25, yes. A. All right. Now see if it registers back there. I strike 25-B. Now, I am voting the straight ticket. Now I am going to vote the straight Democratic ticket for Mr. Joseph Blank, running on the same ticket for the office of Recorder of Deeds in column 25. Are you ready?

Q. Yes. The vote registers for Mr. Blank, 25-B. A. 25-B?

Q. Yes, and the straight Democratic ticket is voted also.

1391 A BYSTANDER. Take some other ticket. Take the Progressive ticket.

A. Oh, you want some Progressive votes.

The BYSTANDER. Yes.

A. All right.

The BYSTANDER. Tell us who you are going to vote for.

A. I will take the Progressive, "F"; have you got it, in column 25?

The CHAIRMAN. Yes.

A. Now I have got that down; then we will vote for Walter Willis, 25-F, for Recorder of Deeds.

A. All right. Now have you got your eye on both of them?

The CHAIRMAN. Yes; it doesn't count a vote. Walter Willis then got a straight vote for his party and got an individual vote counted, did he?

A. Yes.

The CHAIRMAN. Proceed with the examination Counsel.

Mr. DENEEN. Q. Professor DePuy, what may a custodian do regarding the primary lever and its manipulation of the mechanism through that? A. The custodian may leave the primary lever in an unrestricted position, thus permitting him to manipulate this device. Will you demonstrate your answer on the machine?

A. Yes, sir; the primary device is not set. I will set it.

Mr. DENEEN. The committee will kindly step forward while this demonstration is taking place.

The CHAIRMAN. Give the custodian's orders, how he acts on this machine at the primary, so the committee will see how it is done.

1392 A. Now, in the first place, you set the pointer on the ticket.

The CHAIRMAN. Suppose you demonstrate it under the most favorable circumstances.

A. All right. And allow a party for each line.

Representative KASSERMAN. It is easy to demonstrate?

A. Yes.

The CHAIRMAN. Just as many as there are there.

Mr. DENEEN. Q. Professor DePuy, will you state what you have done so that the Commissioners may get it?

The CHAIRMAN. Just a moment. Wait until he fixes it, then it may be done.

Mr. DENEEN. All right, then you need not take it until he does that.

A. Now, this lever is now set at zero point.

The CHAIRMAN. What does that mean?

A. The primary lever. That means that any of these bars can be used; that is, the machine is now just the same as it is at an ordinary election. It does not affect this at all (indicating). If I pull this handle, however, one of them, this slot which I have pulled off allows this bar only to move in the top of the space.

Q. What is the Republican party line? "A"? A. On the face of the machine, "A." The "B" key does not move in because this (indicating) passes in behind, this lug (indicating).

The CHAIRMAN. Will you indicate how that is done?

1393 A. The lug on the end in the party bar projects through the face of the machine; that lug at the end is restricted by means of a little segment on the primary device which turns around, can be turned out of the way.

Senator CANADAY. Suppose I am voting and telling you I want to vote the Republican ticket—

A. Yes—

Q. —now, when you set it at one after I go back into the booth, can you set it at zero? A. No, after you go into the booth I cannot move this, but before you get into the booth I can.

Q. But after I go into the booth you cannot move it?
A. No, no; for instance, you told me I vote the Republican primary ticket.

Q. Now, if you set that at one and I go in here and vote, and I have not touched the machine, could you move that back to zero? A. Yes, before you got in there.

Q. Before I got in there? A. Yes.

Q. Now, I am asking you about this. I now want to vote the Republican ticket. Just a moment; Mr. Jayne, will you please step in here? You see I want to vote a Republican ticket. A. Yes, sir.

Q. I want to set it to this point (indicating).

Representative JAYNE. He wants to vote the Republican ticket; that is what he is asking you about.

The CHAIRMAN. Is that demonstrated?

Representative JAYNE. Yes, I understood it.

The CHAIRMAN. Senator Canaday now asked him a question. Set it at Recorder of Deeds, "C"; you see him set it; now I want to vote the Democratic ticket. Now come on, go and turn any of the keys down indiscriminately now. You are supposed to be limited.

According to previous testimony of the witness, if the party lever is set at zero at a primary election, the voter can vote anywhere on the face of the machine and is not restricted to any one party, and to prevent the lever being set there a hook inside the machine should be fixed at a certain position.

1395 "A. A little hook on the inside of the machine can be and should be set by the custodian so that this key might not be returned to zero."

But the judge of election can also set this hook so as to permit the party lever to be set at zero. To do this the judge of elections would have to break a seal.

1396 The seals are not identified or numbered. The seal is a piece of wire with a piece of lead fastened to it.

1397 The number of the Empire machine in the room here is 4838.

1398 The number of the machine examined by Mr. DePuy, Mr. Leutweiler and Mr. Olson at the Hotel La Salle is 4522; the latter machine was furnished to the experts by the Board of Election Commissioners.

The witness has been experimenting on the latter machine, and in witness' opinion neither one of the ma-

chines was set properly to give a true record of the votes cast at the election of November, 1912.

“Q. Wherein were they at fault? You read it and then demonstrate it. A. ‘In the party row “C” and candidates’ column 22, the name of the candidate for Representative was not repeated, thus depriving that particular candidate of one and a half votes every time that key 22-C was used, which naturally would happen if a split ticket were voted in the regular way.’

“Q. Were there any other omissions? A. Yes, sir; the same conditions as mentioned before existed on party rows ‘D’ and ‘F’ in column 22.

“Q. Will you demonstrate on the machine now the statement made in the party row ‘C’ and candidates’ column 22? A. Yes, sir. Party row ‘C.’ We have one name here in the $1\frac{1}{2}$ column, Representative of the Second District. That key would be depressed to vote for him in the regular way. If, however, it was done by voting according to instructions, on a split ticket, that would be by pulling all the keys down. In doing that I would pull on that key (indicating) and also the next one, 22-C.

“Senator BARR. They were not voting for anybody?

1399 “A. There is no name there. I give this vote to the man in the $1\frac{1}{2}$ column. I give this vote to him because he is not designated there, as I understand the machine. It will not vote for him unless his name appeared on the machine. I can do it by pulling down the three keys, but I do not do it in the regular way of voting. The regular way of voting is by pulling on this key (indicating).

“Mr. DENEEN. Q. According to your instructions?

“A. According to the instructions of the Election Board.”

1401 “Mr. McEWEN. You find more fault with the instructions than with the machine?

“Mr. DENEEN. No, the machine is involved.

“The WITNESS. No, the machine is involved. You see, the ticket is not properly printed.”

In the space provided for the names of candidates for the House of Representatives on the sample ballot fixed to the voting machine, where the machine provides for two votings of $1\frac{1}{2}$ votes each, the name of the candidate appears but once and below but one of $1\frac{1}{2}$ vote keys. The space below the other $1\frac{1}{2}$ -vote key being blank.

The witness explains that a voter in voting these two keys for the purpose of voting two votes; $1\frac{1}{2}$ each, or 3 votes for the candidate for the House of Representatives, would, as a matter of fact, only vote $1\frac{1}{2}$ votes for him, as the $1\frac{1}{2}$ vote on the blank key would not be counted.

"Senator CANADAY. I suppose that is the fault of the Election Commissioners who had the ballots printed?

"Mr. DENEEN. Yes.

"The WITNESS. Complicating matters so that the will of the voter is not properly registered; that is the difficulty with this machine here, as well as in many other places."

The witness shows that all the columns for candidates for Representative are in the same condition as above noted.

1402 "Senator CANADAY. As I understand it, Professor, you are now demonstrating the machine as it would be used on the general election?

"A. Yes, sir.

"The CHAIRMAN. This machine was turned over to the Committee as it was when used in the demonstration for the last general election."

Senator Canaday raises the question whether in voting two keys for a Representative, one of which only bore his name, the other being blank, he would not receive three votes.

1403 Operating the blank key would set a counter working.

The Chairman makes the point that the voter cannot indicate that he wants to give a Representative two votes of $1\frac{1}{2}$ each on this machine.

1404 The voter can vote three votes on the $1\frac{1}{2}$ -vote keys by voting for two different men, but cannot vote 3 votes for one man on such key.

"Q. Now, you pull down 22-F over the blank space; then what does it do? A. It registers on the counter, but there is no identification mark."

If the vote on the blank space is counted, the candidate, of course, would receive more than $1\frac{1}{2}$ votes.

1405 "Q. Directing your attention to the movements of these keys, I would like to have you state whether or not a vote can be partially voted and not register the vote and to what extent?"

Witness states the key must be moved down to a cer-

tain point. If the key is moved down nine thirty-seconds of an inch, it does not register the vote.

- 1406 "Q. Now, will you give us the measurements that you made in measuring this machine which has been identified as No. 4522? What are the measurements which you
1407 took in reference to this 'F' key? A. The key when pulled down nine thirty-seconds will not release the voting lever; if it is pulled down eleven thirty-seconds it will release the voting lever."

Witness describes how he got an impression of the two keys on the machine for the purpose of making duplicate keys.

"A. The flat key, perfectly flat, this key was handed to me and I went through this process. I moistened the blotting paper and squeezed this key into the blotting paper with my fingers. I afterwards took a blank and filed it to correspond with the impression on the blotting paper."

- 1411 The process was simple and took 20 minutes.

The witness had the two keys in his hands about five minutes and made the blotting paper impression and carried it home and made the key. It is not a difficult matter; the key could be made by any locksmith or mechanic.

- 1412 Witness produces a key which unlocks the counter-controlling device. The key and the lock are marked "zero." It is a standard Yale lock key, what is known as a five-pin key.

Witness made a duplicate by placing in a block a regular Yale cylinder which has holes for the pins in the cylinder; such blocks are easily procured in Chicago. It is a block belonging to a regular Yale lock.

In this block the witness inserted pins of soft wire.

The Yale key received by the witness was then inserted in the block and the ends of the pins of soft wire raised in the notches in the face of the key as it stands in the block. The key is then twisted around and the motion presses the soft wire pins against the shearing edged in the block and cuts them off the same length as the pins in the lock to which the key belongs.

- 1413 "These pins are numbered. I took the key out and put it in my pocket, and when I got to the hotel last evening after the session, in 20 minutes I had a key which, when I tried it in the lock this morning, fitted it."

The device is one in common use by locksmiths.

The witness didn't take home the key with him, only the little machine and the block.

- 1414 Witness also made the other key, the flat key, in about 20 minutes. The two keys in 20 minutes each. Witness could have made any number of keys in short order.

Witness supposes that in counting the votes after election, the counters are read by the judges at the back of the machine. On the counters at the back of the machine there are only numbers and letters; on the front of the machine the numbers, letters and the name of the candidate. Witness has never seen judges record votes on a machine.

- 1415 Witness has seen a card so devised as to be put on the back of the machine showing the names of each candidate. Mr. Huff had shown it to him and witness thinks this would simplify the counting.

Witness thinks the three judges could not see the counters at the same time, and that it would be difficult for more than one judge to see them at one time.

VOLUME XVI.

Afternoon Session.

Friday, August 1, 1913.

CLARENCE E. DEPUY resumes stand:

- 1418 Witness identifies a piece of wire as part of a seal. It is identified by number and witness assumes from its being numbered that it is registered at the Election Commissioners' office.

- 1419 The guards at the back of the machine were small circular pieces of lead with the wires which were placed on the machine running through them and squeezed down upon them so they couldn't be removed without cutting the seals. It is a very easy matter to substitute one seal for another of such seals.

There are several voting machines which provide for printing an impression of the exact condition of each counter. Witness has examined two such machines, the International and the Calkins.

1420 In place of wheels, like those on the Empire machine counters, the International has wheels containing type which will print like typewriter print; when an impression is taken, the machine is turned bottom side up, in which position the counters are locked so that the machine cannot be voted, and an impression is taken on a paper ballot by running over it with a rubber roller, such as is used in mounting blueprints, or prints.

The machine just prints the number which the machine records on the ballot directly below the name of each candidate.

1421 A print is made in the morning before any votes are cast, and on the same ballot a print is taken in the evening after the election is over.

Several ballots are printed; one kept for a certain length of time by the judges, another by the Election Commissioners, and witness thinks there are three made, at least; there may be more.

This gives a check on the condition of the machine as to each candidate. On the Empire machine there is no check except the inspection of the judges. The correctness of the Empire machine depends upon the integrity of the custodian, also the carefulness, because it is an easy matter to overlook.

1422 Witness thinks the custodian could alter every machine in the city if he cared to do so and give a handicap of any number of votes he chose without anyone being able to detect it.

Witness regards this as a serious defect in the Empire voting machine and at the present time a printing machine is the only way to avoid many of these errors.

The restricting clips may be placed so as to affect the integrity of the machine, by anyone who has the key to the lower rear door. The custodian could do this.

1423 This could be done in five seconds and the mechanism can be replaced after the election in as little time.

Witness thinks the machine is not convenient to handle. The machine must be removed from its box or crate in order to let the custodian fix the counters and place it back again; it has to be handled several times at the warehouse and several times at the polls.

1424 The space assigned for writing the names of presidential electors is $1\frac{3}{4}$ inches high and $2\frac{1}{4}$ inches wide. There are 29 presidential electors in Illinois. Witness

thinks the names of these 29 possibly could be written in this space, but it would take more than the allotted time. Witness thinks it would take at least an hour to write the 29 names in the space provided.

Pasters could possibly be applied if you could find pasters to suit the possible views of every voter, but it 1425 would be too intricate.

Cross-Examination by Mr. McEwen.

Witness is questioned as to whether, if the ratchet on the left hand end of the irregular (independent) voting roll is detached, he could, as he had stated, move the roller forward with his moistened finger. Witness answered "yes."

1427 (Witness, counsel and members of the Committee go to the machine and experiment is made and witness moves the roller with his moistened fingers a distance of two spaces.)

1428 (On attempting to move the paper to the third space the paper tore.)

It took more than a minute to do this.

Witness' attention is called to the fact that in Chicago elections 15 or 20 men are often at the same time waiting to vote and asked if he thinks the roller experiment shows any mechanical objection to the machine.

Witness answered: "I think that ratchet ought to be arranged so it could not be done. It would be a very easy matter."

1429 Any kind of ratchet that would be attached would permit the roller to be moved. The witness thinks the roller should be made non-removable.

Witness does not think that this particular objection is serious or that the fraud would be practiced generally at polling places. It could be done in isolated instances.

1430 In primary elections, the operation of the paper roll is different from what it is in elections. In primaries the point perforates the roll with a certain number of perforations according to the party ticket voted. In primary elections, if the names were fraudulently written in the paper roll, these perforations would not appear opposite to such names. Thus furnishing evidence of the

1431 fraud.

The party restricting device, when placed at zero, permits the voter to vote for candidates of any party.

It should be locked to lock out such miscellaneous voting. Without the zero setting a man would not be permitted to vote any ticket he chooses as he may do in a general election and the machine could not be used at a general election.

The integrity of the lockout depends on the restricting hook being set so as to keep the party lock out off zero.

1432 Properly, the custodian has access to the restricting hook; properly, the judges do not have access to it.

So far as witness knows, all machines use a lock to prohibit the operation of portions of the machine by the judges, and does not believe it will be possible to construct machines without locks for this purpose.

The Yale lock is supposed to be one of the best made, but any lock witness knows of may be tampered with.

1433 It is not necessary even with a Yale lock to have the key to open the lock. Witness does not think that a combination lock would be satisfactory.

In examining machines the witness had in mind that it must be operated by men and considered with reference to the practical holding of an election.

"Q. At the present time under the ballot system, it is necessary to have honesty of officials? A. Yes, sir.

"Q. At some or all points? A. Yes, sir.

"Q. If everybody is dishonest, the system breaks down? A. Yes, sir.

"Q. And it is the effort to meet that dishonesty that has led to inventors trying to invent satisfactory voting

1434 machines? A. Yes, sir."

Witness does not know the system that is applied to the present system of printing, counting, checking up, inspection, and so forth, of ballots, but knows that if this breaks down, and the ballots get into outside circulation they are readily made the means of fraud.

1435 Witness has never seen a better than the Empire machine.

The witness examined the Calkins machine in 1910. It was not in a perfected state, but had some good features.

The International machine was examined but once by the witness and was not approved.

1436 Witness does not claim to be an expert on voting machines, because he does not devote his time to it.

Witness expects to render a bill for his services in

1437 this investigation. Witness' compensation on other voting machine investigations has been \$25 per day.

Witness was asked by Governor Deneen to make the present investigation.

1438 The wires placed by the witness on the face of the machine yesterday were intended to prevent the key from being pulled down.

In putting the wire on yesterday, the witness used a screw driver and took about ten minutes; has been more expeditious on other occasions, but the particular clip did not want to stay on.

"Q. And after you placed it in, perhaps you observed that I readily pulled the key down and it flew out? A.

1439 I believe the space was a little different from what it is in different places on the machine, or else the clip was not just the right shape."

On the machine at the La Salle Hotel witness and the other experts had put in clips in five seconds and have not been able to pull them out by a pull of the keys.

Witness does not think that a voter who knew that the key should go down would know if it didn't that there was something wrong with the machine.

1440 In many instances the voter would object, no doubt.

Witness thinks the voter absolutely without instructions would be confused in attempting to vote on the machine and the same as the Australian ballot such as used at the last primary election. The voter needs some instruction in both instances.

1443 Many voters would require considerable instruction before they understand the operation of the machine, more

1444 instruction than to vote an Australian ballot. These difficulties are not insuperable, however, to Illinois voters.

The witness favors the voting machine when a satisfactory one is presented. Such a machine would have locks and great care should be taken to prevent the use of keys by any unauthorized persons.

1445 The means of protecting the machine against inspections were not carried out as fully as they might be on the Empire machine. The number of inspections should be limited. Would have men in charge of machines or their use watched by dissimilar interests.

1446 The rubber band is not a very successful means of fraud on this machine. It appeared as early as 1907 and was one of the objections to the United States Standard machine, which had a party lever and a key to which a

rubber band could be attached. Witness has not examined this with reference to the use of rubber bands, but thinks the shape of the key might be improved.

- 1447 Witness has seen machines where the rubber band was less effective than on the Empire machine, where the rubber band could not be used at all. Witness thinks this was true of the old Columbia.

Witness does not think that the rubber band fraud was one of the reasons for abolishing the party lever.

- 1448 Witness thinks the key could be so shaped that a rubber band would not stay on.

The present machine has some features resembling those of the old Columbia, such as the legislative restricting device.

It may be possible that shaping the key to prevent the rubber band fraud would make it more difficult for the voter to use the key. Witness does not place much weight on the rubber band objection.

- 1449 Witness thinks the wire clip might cause a good deal of trouble; if taken off others can be put on. The machine might be disabled in many ways but not so easily disabled as ballots in a ballot box could be destroyed.

- 1450 The witness is asked whether the keys could be made in such shape as to prevent the wedging of wire clips and so forth.

"A. Why, I think that the form of the face of that machine might be improved. The trouble there is that the grooves in which the ticket is held on the machine form an excellent place for these restricting pins to get a foothold."

- 1451 Witness thinks the International machine was not subject to this defect. The International had a sliding key, but the opening in the face of the machine was covered completely by the key and witness does not think anything could be slipped under it.

When the voting machine comes to the polling place, the counters are supposed to be set at zero and that they cannot be moved except through the regular voting mechanism.

- 1452 In order to move the counters, the front of the machine must be locked, the middle rear door opened, and the counter locks unlocked to release the counters.

This lock can be opened without a key but an impression to make a false key cannot be made without the key.

The plate over the lock that locks the counters has an ordinary lead seal on it.

- 1453 That might have, but these have not the identifying mark registered in the Election Commissioners office.

If the judges of the election move the protective lock that locks the counters, the protective counter moves up one count; the protective counter cannot be disconnected without breaking the seals; the public counter can be.

- 1454 "Q. From a practical standpoint, do you consider that a possibility of the judges getting hold of the custodian's key, opening all the doors, unlocking the protective counter, leaving the record on the protective counter, of having unlocked the counters with the responsibility for that opening of the lock on the protective counter; do you consider practically that possibility so great that it ought to reject this machine? A. Possibly not, but I think in some cases it might be done."

Any mechanism devised by man may be tampered with and improvements in voting machines may go on for 50 years to come.

The restricting and grouping devices used on the Empire machine are in general use in practically all voting machines.

- 1455 The device for keeping in the restricting pins on the Empire machine is a practical one "if the pins are not bent, but they can be easily bent."

Ordinarily, the pins, once inserted, would not be pulled out; the device might be improved.

- 1456 Witness would not reject the machine solely on this account. Witness is asked whether machine will properly operate in group voting if the pins are properly set. He answers: "It may be set wrong."

The purpose of the restricting clip is to prevent voting on the split ticket after the straight ticket has been voted.

Restricting clip locks out each individual row of candidates. "If it is set wrong the voter may vote a straight ticket and also vote for individual candidates."

- 1457 The custodian has charge of the compartment containing the restricting clips. The clips are numbered to correspond with the number of the key on the face of the machine.

Witness does not know of any attempt to write 29 names of presidential electors. Does not think that would be a common case.

Witness has not read the law which substantially abolishes presidential electors so far as this machine is concerned.

1458 Witness has been a republican, until last fall, when he voted the progressive ticket, mostly.

"Mr. DENEEN. Will the Commission excuse me a moment? A gentleman wishes to speak to me.

Mr. McEWEN. Yes, but we want to hear it first.

1459 The CHAIRMAN. Mr. Keehn, who is attorney for Andrew M. Lawrence, has presented a message to the Committee and to the attorney for the Committee, that Mr. Lawrence, if he is wanted as a witness before this Commission would have to be available between now and Monday next, according to plans made by Mr. Lawrence. It seems that he is afflicted with hayfever and it is customary for him to be gone this time of the year, until October. At the present time the Committee is unable to inform Mr. Keehn whether Mr. Lawrence will be wanted to-day or at any other time. We cannot tell whether he will be wanted now, next week, or the week after next, or the week after that, and the Commission is not in a position to send a message saying that he is wanted or is not wanted, and they have no reason to believe now that they really want him as a witness at any time.

Mr. KEEHN. I will say that he will remain here if the Commission indicates that it would like to have him remain until the latter part of the week, but to do that he will have to change his plans, or he will return, as is customary for him, next October, about the first of next October.

The CHAIRMAN. There is nothing within the knowledge
1459 of the committee at this time, Mr. Keehn, that will justify it in calling Mr. Lawrence as a witness at this moment.

Mr. KEEHN. I thank you.

The CHAIRMAN. I think the commission's position is clear, and possibly Mr. Lawrence's too. We are not ready to say whether we want to subpoena Mr. Lawrence or not; he simply notified us that he wants to go away.

1460 Mr. McEWEN. I assume this commission expects to be in existence after October 1st?

The CHAIRMAN. The Commissioners expect to run as long as they have anything to do, Judge.

Mr. McEWEN. Well, they won't go out of existence unless they have nothing to do.

The CHAIRMAN. Well, I hope not, unless they die off one at a time.

Mr. McEWEN. Well, the workings of the Lord are past finding out, I do not know what he will do about that.

Mr. MITCHELL. That will be entered—

The CHAIRMAN. Are you addressing the chair, Mr. Mitchell?

Mr. MITCHELL. Yes, I am addressing the chair. That will be entered of record; that up to the present time the Commission sees no reason to believe that Mr. Lawrence will be called or requested to be here as a witness.

The CHAIRMAN. You are the attorney for the commission, Mr. Mitchell?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. I think it may be entered what he stated.

Mr. MITCHELL. I think it ought to go into the record.

Mr. DENEEN. Yes, I think what Mr. Mitchell said should go in the record.

The CHAIRMAN. Also.

Mr. DENEEN. Yes.

The CHAIRMAN. You may go on with the examination of the witness. I think that is disposed of.

1462 Part of the material and construction of the present Empire is the same one examined by witness in 1909.

1462-3 "Q. Let me read from the report which you signed in 1909, in which you say, under the head of Empire Machine Construction: 'The material, workmanship and general design are very satisfactory, the working parts, so far as I have been able to get at them, for examination, are made of steel, galvanized or coppered, generally; bronze, brass, aluminum or white metal compositions, and I think there would be but little tendency to rusting. The foot bars are plain steel, and they should be galvanized or made of brass; the workmanship is excellent and the parts fit well together so that for the most part the action is positive and very reliable.' Have you had any occasion to change your views?

"A. In a few respects; as I said yesterday, I have observed some indications of rusting."

1463 Witness observed rust on the frame of the machine at the Hotel La Salle and thinks later there may be developments of rust on the working parts.

1464 The spot of rust is from 3 to 4 inches long and pos-

sibly 3/16ths of an inch wide and is right on one corner of the bar containing the restricting pins. Thinks that the preserving coating has been knocked off from some cause or other.

1465 It is a difficult thing to keep steel from rusting under certain conditions.

“Q. Have you any criticism to pass now upon the construction, of the materials, workmanship, and general design of that machine? A. Yes, the general design I think is not, as I have thought of the subject of voting machines, I do not believe that a machine of this type, general design, general arrangement of the frame, would ever be adaptable to the needs of Chicago.

“Q. Do you know of any machine that has? A. No, sir.

1467 Q. Have you a picture of a machine in your mind that has? A. No, sir, I think of—

Q. Do you know a better design than this—

Mr. DENEEN. He has not answered, Judge; let him answer.

A. I think, however, the satisfactory machine, when it is found, will be something entirely different; I don't believe that this type of machine will ever be satisfactory.

Mr. McEWEN. Q. But you are willing to go on record that this is the best machine you ever have seen?

A. Of this type.

Q. Of any type? A. Yes.

Q. Why did you qualify it before? A. Well, I don't like the type.

Q. Do you like any other type better? A. I don't—I have never seen a machine that I would consider a feasible machine.

Q. Well, what do you mean by saying that the general design was very satisfactory? A. Well, I think in writing that report that I had in mind the mechanical design, the mechanism of the machine, and that is satisfactory, the mechanical workmanship of the machine, the design of its parts, to work with the other is excellent.

Q. You cannot see any improvement on it? A. No criticism at all to make on that part of the machine.

1468 Q. On the subject of the counters, you say that the counters—I am reading from the same report of 1909. A. Yes.

Q. The counters and operating mechanism you consider very positive and durable? A. Yes.

Q. The parts of the counters proper are comparatively long, and therefore not so liable to be broken? A. That word "long" should be "large" that was a misprint.

Q. Should be large? A. Yes, comparatively large.

Q. Well, the parts of the counters proper are comparatively large, and therefore not so liable to be broken, as those made with small delicate parts? A. Yes.

Q. "The counters and operating mechanism I considered very positive and durable. The parts of the counters proper are comparatively large, and are therefore not so liable to be broken as those that are made with small and delicate parts. The turning down of the voting key moves the operating mechanism in such a manner that the counter cannot fail to register, and unless the key has been turned down the counter cannot move. The counters are locked at all times and can only be moved by the operation of the machine after the keys have been turned down by the voter, or when the operating mechanism is dropped below its normal position by turning up two handles inside the lower rear door when the operating handle is locked, as is necessary when setting the counters to zero." A. That refers to a different method of operating counters than we have on this machine, the counter, however, is the same, but the manipulation—the counter is different but the manipulation is the same, I mean.

Q. If this manipulation is made of the counters, the counters can be turned in either direction to zero? This machine has a locking device? A. Yes, I think there was simply a pair of rods at each end, one at each end of the machine which were reached from the custodian's door.

Q. Do you consider this device in this machine better than the old device? A. Yes, it is better.

Q. Is it a safer device? A. Yes, it is a safer device.

Q. I am omitting two or three lines, in reference to that old setting. "The counters are held securely in substantial aluminum cases, which fill the back of the machine and cover the working parts of the key spindles and restricting strips, but if it should be necessary to get to these working parts to adjust or repair the machine,

these cases and counters can be readily removed and replaced again." A. Yes, sir.

Q. (Reading): "The restricting strips for the individual keys are neatly made, light and yet strong, and have small wedges which cause the restriction. These wedges slide between rollers, which gives very little friction, and the grouping of candidates can be accomplished anywhere on the machine by removing one or more pins passing through these rollers. The removal of a pin does not change the spacing of the rollers, but allows the wedges to be pulled up in a different order. No adjustment of screws or insertion of additional wedges is necessary, and the grouping seems to be positive." You are still of that opinion? A. Yes.

Q. By the way, I would like to ask you if there is any material wear in the use of this machine, whether it is a permanent and durable thing? A. I think that they will not show serious wear."

1472 "Now, on the fraudulent manipulation, you say:
"As the machine now stands, it is possible to vote a straight ticket of any party with the straight ticket key, and at the same time vote a straight or split ticket with the regular candidate keys anywhere on the machine. It is done by first pushing down the release lever, which allows individual candidate voting, then returning this lever and holding it up and at the same time pulling down and gently shaking a straight ticket key. Pulling down the individual key releases lever, pulls up a restricting wedge in the straight party group, which locks the straight party wedges all out
1473 and at the same time operates a slide which turns up all the individual restricting clips which hold down the wedge strips connected with the individual keys. When the release lever is held up and the straight party ticket key shaken, the restricting wedge pulled up by the release lever gradually works down and drops into its normal position, but the slide controlling the rod carrying the individual restricting clips does not return to its normal position by the shaking process, and so the restricting devices are all off, and the machine is free to be voted in both ways at the same time." A. Yes.

Q. Was that objection cured on this machine? A. Yes, that was a different device for operating the straight party restriction from what is on this present machine.

Q. Could you consider that as cured? A. Yes, sir.

Q. Then under the head of "Restricted candidates" (Reading): "As the device is shown it allows of arranging the candidates in four groups of three keys each, and two, three, or four of these groups can be used as desired. The ticket now placed on the machine uses but three of these groups. Two of them operate together on the restricting device and allow three votes for either of the two candidates or two for either one of them and one for the other. The other group operates independently and allows 1-1/2 votes for each of two candidates, leaving one key a blank. This group on the device should be arranged so that either two or three keys could be controlled by it, and then if but two candidates are on the
1474 ticket, there need be no blank key left. The device does not permit of voting 1-1/2 votes each for two candidates by using a single key, but it could be made to do so by a slight modification. A. Yes.

Q. Do you find that cured? A. Well, it must have been an error in the man who assembled that machine, to leave out that as it was before, was a joke.

Q. "Primary voting device:" (Reading): "The mechanism for arranging the machine for primary voting is simple and easy to adjust and operate. If necessary, several of the horizontal bars can be arranged to be grouped together to serve the one party, and yet all are controlled by the primary lever as easily as if only one bar for a party were used." A. Yes.

Q. Do you still think that? A. Yes, that is the same device that is there now.

Q. Do you object to this primary device, in that it gives the judges a chance to play with the party lever and prevent the voter from voting? A. Yes.

Q. That would result ordinarily in the voter making a complaint? A. Yes, and the—

Q. The voter would? A. And the machine would have—there would have to be a vote recorded on the public counter with no vote cast on the machine, probably.

1476 Witness thinks the device for locking out the parties at the primary elections could be improved. The machine should permit the judge to pull the party lever, but not change it afterwards as he can now do. The judge can be watched by the party watcher, which might afford a

reasonable precaution. Witness would not reject this machine solely because of this defect.

1477 "Q. Under head of 'Positive Action' (reading): 'This swing arm "B" and the slot in the vertical bar which operates the restricting slide are evidently intended to throw the slide out of action when using the machine in a primary election, but they are not necessary and if they were left off I think the machine would be positive and reliable in its action. All parts are well proportioned and accurately made. The movements of parts are controlled by cams or levers, but few springs are used, and they are in places where they are not likely to give trouble.' A. That is the swinging arm, isn't it, that is spoken of?

"Q. Yes, speaking of the swinging arm. A. Yes, that whole device was modified when this type of machine was brought out.

"Q. Under the head of 'Party Bars' (reading): 'Party bars are used only for restricting purposes in primary elections, and if they were used with a party lever to make all the keys move when voting a straight ticket, it would be necessary to redesign the whole mechanism and make it more complicated.' A. Yes."

1478 The party key at the end of the line devoted to individual independent candidates cannot be locked out to prevent its being voted as a party key.

1479 All the objections made in the report of 1909 have been made in the present machine.

"Q. Concluding, in this report is shown that this report—not one of the machines exhibited is satisfactory in its present condition, but that the changes suggested, if the changes suggested were made, the Empire machine would be reliable and positive in its action? A. It is that today when properly set and properly used."

"Q. (reading): 'The Triumph also, no doubt, can be made to vote more positively, but considerable work would have to be done before they eliminate all its faults. This machine has the party bars and levers, which I think makes the proper way of voting the straight ticket, but I do not see how they could be applied to the Empire machine without adding very much to the complication of the mechanism.

"The cumulative voting attachment of the Triumph machine provides for voting in all the desired ways, while

the Empire does not, but the Triumph attachment is unreliable and the Empire is positive. Another group could be added, if desired, to the Empire device without difficulty.

“‘While the Empire machine can, with a very little changing be made to do all it claims to do, I am not sure that it would be best for the Board of Election Commissioners to purchase them at the present time. The same trouble exists now that was present two years ago, although not to so great an extent. The machines are large and heavy, difficult to handle, and awkward to store. I think the Empire machine will stand the moving very well and will not be liable to get out of adjustment, but whether it is wise for the Board to incur the expense and trouble that will come with these machines, I do not feel competent to say.’ A. Yes.”

1481 The present voting machines are like those former machines examined in 1907.

1482 The witness does not see how the present machine could be reduced in weight materially.

1484 In rejecting the Empire machine in 1909, size and weight was one objection in the witness' mind, but the witness thinks that the Empire type of machine, even with much lighter weight, will not be satisfactory in Chicago.

1485 A machine of this type, to meet conditions in Chicago, especially primary elections, would have to be very much larger than the present Empire machine. To meet Chicago's conditions the face of the machine would have to be twice as large.

1486 The machine should have a party lever and should abolish the straight ticket column.

1489 “Q. The party lever would be equivalent to the party circle on a ballot, an ordinary ballot? A. No, sir; I think not; but it does group the regular candidates of a party together and they would be voted at one time and then the voter would scratch or split the ticket as he saw fit.”

In straight ticket voting there is no difference in the act between voting the party lever for all the candidates and voting the party key for the straight ticket.

1491 Witness includes in the word “type,” of which he deems the Empire machine objectionable for the City of Chicago, the idea of facilitating voting, which he deems

the voting machine was intended to accomplish. Another purpose of the voting machine is to prevent fraud.

1492 In his report of 1909 the witness said the design of the machine was very satisfactory both as to arrangement of the keyboard and as to size; but he did not feel competent to advise the Election Commissioners to buy that machine.

Witness did not think the fact that the specific objections pointed out in his 1909 report were corrected made the Empire machine satisfactory. It is not the proper type of machine for Chicago.

1495 Witness did not vote in Chicago at the April primary of 1912, but knew something of the ballot that was used and wondered how it could be used on a voting machine; had particularly in mind the Republican primary ballot.

Assuming that there were 394 names on the primary ticket in 1912, whether they could appear on the Empire 9-party, 70-key machine would depend on how the candidates were grouped and how they were arranged in parties. There were 46 Republican candidates for County Commissioners.

1496 This witness advocates the use of at least four horizontal rows and 12 vertical columns for the Republicans' County Commissioner candidates, and would have further required the use of the same number of vertical columns by all the parties for County Commissioner candidates. "And there would not have been space enough on the machine to accommodate all of the parties' candidates, other groups would have to have been formed also,—that is only one—"

1497 The witness attempted to devise a way of grouping the primary ticket of 1912 on the machine and could not find a way of doing it.

"Q. Assuming that in the last four years, including the Municipal primary of this year, that the highest number of candidates on the machine was 44, would you say that this type of machine would carry that? A. That would depend on the groups, how the candidates came in the other parties, because, when you arranged the group on one party, you have to have the same size group in all parties, and it ties up that machine very rapidly."

With 44 candidates on the Municipal primary, you could group a 70-key machine for one party very easily.

1498 In the mayoralty campaign there were candidates for Mayor, Treasurer and Aldermen.

1499 Witness thinks there will be probably no trouble in grouping 44 candidates for these three offices on the Empire machine. If the machine would not accommodate 44 candidates for the three offices, it is not available for primary purposes at all.

1500 The witness is not prepared to state the rule fixing the limitations for primary purposes of the Empire voting machine; "if you have a large number in one party and a small number in another, you are going to lose a lot of the face of the machine."

Witness is asked whether placing paper zeros on the counters is a practical fraud that could be committed by judges of election.

"A. There would be no object in the judges putting pasters on the counters if they could not set the counters to suit themselves."

1501 With the custodian's keys the judges could set the counters to suit themselves and take off the returns from the counters as they had set them. The only check against this is the check against their tampering with the counters and the check of publicity and outside observation. Independent observers present when the custodian sets the machine, the sealing of the machine and its delivery, sealed, to the election judges, would operate as a check upon the custodian.

1503 When properly working, the counters are set at zero, but witness found one that was not. It was defective. With correct inspections, the zero fraud would probably be detected. With independent inspection and a watch on the custodian, the general fraud could be prevented. It would be isolated instances.

VOLUME XVII.

Morning Session.

Tuesday, August 5, 1913.

CLARENCE E. DEPUY resumed stand:

Cross-Examination by Mr. McEwen Continued.

1506 Witness testifies that his answer in regard to what was done with the Election Commissioners or with the machine was stated as a theory of handling the machine, rather than any actual observation.

Witness does not know whether he has enumerated all of the objections he had to the machine, but deems it an objection that the machine requires reading of the counters by the judges and does not print the ballot.

1507 The practical consideration of the voting machine question must take into account the human element and the counting of the ballots before and after election.

The only check on the human element considered by itself is inspection and watching. The machine won't do it.

Witness thinks the party restriction lever is set after the voter starts to move the voting lever. Certainly after the voter has thrown it over to the right.

The Republican voter would find that he could not vote his ticket if the party lever was set at the Democratic party.

1508 Witness is asked to compare this situation with that of a Republican voter handed a Democratic ballot at a primary election, and says "I don't know that there would be more likelihood to occur that way than the other. With this machine, however, the vote either would not vote at all, or he would have to vote the party he did not affiliate with."

The judges could record a spoiled vote, write down the names of witnesses and then permit the voter to vote his party ticket.

1509 The restricting rollers in the machine are of steel; the wedges of brass. Assuming the wedges moved one-half inch and that the machine was used a thousand times, the movement of the restricting wedges would be 500

inches. Witness does not anticipate there would be serious wear.

- 1510 The only place where serious wear would occur would be in voting a large group.

Witness thinks that it would be better in many places on the machine if the metal used were a non-corrosive metal rather than steel with a non-corrosive coating. The requisite hardness could be secured in a non-corrosive metal.

Brass wears easily as compared with steel and the wedges where the wear occurs are of brass.

Witness believes the whole strip to which the wedges are attached should be made of brass. Strips of brass of the same size as the steel would be amply strong.

- 1512 The angle-steel device for preventing the working of the slides is of the same general class of devices with the wire clips and the rubber bands. It would be less difficult to find a restricting wedge on a voting machine than a restricting wedge placed into the slot of a ballot box.

After the judges discovered the use of the angle-iron they could remove it with the point of a knife, but it is not readily discovered.

- 1513 After a voter knew what to look for he would find it no doubt, but not easily otherwise. A restriction would naturally cause complaint from the voter.

Witness having testified that the judges could enter the machine before and after voter voted and know how he cast his ballot, and so might be able to report progress of the workers, does not believe that this would be particularly guarded against by a rule of the Board of Election Commissioners "not under certain conditions in certain precincts in Chicago."

- 1514 To permit judges to note progress of election would require two keys, not necessarily two judges, but all the keys are in one block. This would have to be done in the presence of the other judges, the clerks and the watchers.

The lock on the end would have to be turned and then the lock in the back, the rear door.

- 1515 The turning of a lock on the end would stop the use of the machine and temporarily suspend the election.

The judges could set the device so as to produce more votes than is lawful for members of the General Assembly, provided they have the custodian's key or a du-

1516 plicate key to the lower compartment. Without such a key not.

All restricting devices depend on getting into the lower compartment. Without that the adjustment of the machine could not be shifted.

The machine will act according to the way it is set and must be set wrong to permit more than the lawful number of votes for members of the General Assembly.

1517 It is not necessary to lock the voting front of the machine in order to get into the lower rear compartment.

The duplication of keys is a fraud that could not be practiced generally throughout the city, but it could be done, possibly, in several precincts.

1518 All of the voting machines require a sufficient movement of the key to cause the operating mechanism to cast a vote.

1519 In the Empire machine, the necessary movement of the key is $11/32$ of an inch. If moved $9/32$ the machine will not register the vote. $3/8$ of an inch movement will insure a vote.

It would be practical to build a machine that would register with less key movements.

1520 The International requires only $3/16$ total movement. Witness does not know the movement required to make the International register.

As a mechanic, witness knows there is a point in key movement at which the International would not register. Witness thinks it better to have a rather long movement of the key. The voter can see it move.

1521 Witness says that when a voter runs his finger along the keys as instructed, a key will sometimes not go down the full voting distance, and in this way a vote might be lost.

The key, when not moved in the voting position by a voter, returns to normal position upon the release of the voting lever.

In all voting machines, the key must be moved sufficiently to engage the operating mechanism.

1522 The handling of voting machines has become easier in Chicago through the year with gasoline and electric trucks than formerly.

At the warehouse, a lifting device makes it comparatively easy to take a machine out of and put it into a box.

1523 The difficulty in handling occurs at the polling place and there one trained man, with a number of others, can lift a machine and put it into position.

1524 The machine has castors and when in voting position stands on them.

1525 Witness has seen the machine put on its legs at the warehouse, not outside.

1526 Witness thinks it would be a bad method of putting the legs under the machine to lift one end at a time, but has never seen it done.

Witness thinks it would be difficult to equip the Empire machine with a party lever.

Party nominations for members of the General Assembly vary from time to time; maybe one, two or three. A machine with a party lever on the cumulative voting part would have to provide engaging points on the party

1527 bar and every bar would have to be changed.

Witness thinks this matter was considered in the test of 1907. In that year the voting machine experts wanted to change the position of the cumulative voting device from the middle to the end of the machine so as to avoid this mechanical difficulty.

Witness does not know that Judge Rinaker ruled that the cumulative voting device must be in the middle part of the machine.

Witness has seen a cumulative voting device elsewhere than in the middle of the voting machine, on the second machine which he examined in 1910.

1528 Witness does not think the present voting machine meets the one-minute voting requirement of the statute.

Q. Do you know of any other requirement? A. I don't think of anything just at present.

1528-1531 "Q. Well, now, let me enumerate these and see what you say and think. The statute provides in Section 1 of the Act printed in the copy of the resolution on page two, beginning at line 34, that these machines shall be inspected by voting machine experts who shall file a report certifying that they have examined the machine and that it complies with these requirements.

Mr. DENEEN. May I hand him one of those so that he can follow you?

Mr. McEWEN. Yes. (Paper handed witness.) That it affords each elector an opportunity to vote in absolute secrecy?

A. Yes, sir, you wish me to answer a question, does it reasonably comply with that, put in a reasonable construction on that? Yes.

Q. And that it enables each elector to vote a straight party ticket? A. Yes.

Q. That it enables each elector to vote a ticket, selected in part from nominees of one party and in part from nominees of any and all other parties? A. Yes.

Q. And in part from an independent nomination, and in part of persons not in nomination by any party or upon any independent ticket? A. Yes.

1529 Q. That it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire? A. Yes.

Q. That it enables each elector to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate for any office more than one unless he is lawfully entitled to cast more than one vote? A. When the machine is properly adjusted that is true.

Q. Unless he is lawfully entitled to cast more than one vote for one candidate, and in that event permits him to cast only as many votes for that candidate as he is by law entitled to and no more. A. When the machine is properly adjusted that is true.

Q. And that it prevents the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefore, and in that event permits him to vote for as many persons for that office as he is by law entitled to vote and no more? A. Yes.

Q. And that this machine will register correctly by means of exact counters every vote cast for the regular tickets thereon? A. Yes.

Q. And has the capacity to contain the tickets of seven political parties with the names of all candidates thereon together with all propositions to be voted upon, except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot label at each party column or row shall contain only the words, "Presidential Elector's," preceded by the party names? A. Yes, sir, that is placed there.

1530

Q. That all votes cast on the machine on a regular ballot or ballots shall be registered? A. Yes.

Q. That voters may by means of irregular ballots or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name, may not appear on such machines? A. Yes.

Q. That when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector cannot vote for any name on the machine for the same office? A. Yes.

Q. That each elector can, understandingly and within the period of one minute cast his vote for all candidates of his choice. A. That I have a question about.

Q. That in case the machine is so constructed that the candidates for presidential electors of any parties can be voted for only by voting for the ballot label containing the words "Presidential Electors," by voting an irregular ticket as hereinafter defined, elector may vote for any person or persons he may choose for presidential electors? A. Yes, he would have difficulty in doing that
1531 for independent electors on this machine, he would have to write pretty fine.

Q. You mean on account of the size of the space? A. The size of the opening through which he would have to write.

Q. That the machine was provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with, or manipulated for any fraudulent purpose? A. Yes, the locks on this machine, I think are not as secure as should be.

Q. Well, as long as the lock holds, why it meets with the requirement of the law? A. Yes.

Q. That the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate? A. Yes, sir, susceptible of being closed and is locked, but it is possible to be opened.

Q. Depending on the judges doing their duty or not doing their duty? A. Yes.

1531-2 Yale locks are as good as any in the market, but a better lock might be devised for use where the Yale lock is used on the machine. Witness does not know of any

special lock made by any factory. A special key could be duplicated but it would be a little more difficult.

- 1533 Witness saw Chairman Butts vote experimentally on the machine at the Pugh warehouse; he voted a split ticket in two minutes and ten seconds. He worked as fast as he could.

Whether the witness could vote in less than a minute depends on how he wanted to vote.

All voting machines witness has seen have been subject to voting time objections.

Witness has seen elections outside of Cook County where they didn't have the large ballot we have here.

- 1535 The Cook County sample ballot indicated by the witness has 61 names and witness thinks in many cases it might not be voted in one minute.

- 1536 Witness says whether he could vote the 61 name ballot would depend on when and how he wanted to split it.

"A. That would depend on the candidates that were put up on the different tickets; I might want to split it in a minute. The voter has got to find the names of the candidates he is voting for, and that takes some time if he has to find many of them; it will exceed his time limit, I think. I do not vote the Australian ballot in a minute."

The Empire machine provides for grouping of questions so that the judge can control the questions that the voter may vote on. The voter can readily discover that he is locked out on a question he was entitled to vote on.

- 1537 The judge of election can control the question or office lock-out device at any time and might permit a woman voter to vote on all questions and for all offices. The only protection against the misuse of the lock-out device is the honesty of the judge.

The voting machine might not be able to accommodate all the questions of public policy if printed in full.

- 1538 Question number 1 read by Dr. Taylor the other day in eight minutes and a half was printed in full on the machine in fine type and the question the voter voted on was printed in larger type. Witness does not know that the full question was printed to meet the requirements of the bankers who were to purchase the bonds.

The machines that print the ballot have to use a ribbon, so far as witness has seen. Witness has never seen any confusion about the reading of the 6s, 8s and 9s on the printing voting machine.

On the Calkins machine the printing could be done in one-half minute all at one stroke. The Calkins machine had a capacity of several hundred names.

1540 Witness was never a challenger, a candidate or judge of election, and his testimony is therefore theoretical.

1541 The objections to voting machines read by the witness relating to angle irons and so forth, are not theoretical.

Witness said nothing about these things in his report of 1910. "I thought there were enough other objections to make it unnecessary to make them then."

Witness made a report to the preceding Board of Election Commissioners on July 1st, 1910, on the Empire voting machine. In that report witness said the Empire machine was durable and reliable in action, meaning reliable in action when properly adjusted.

1542 Mechanism of the machine is very satisfactory and is incapable of "being worked wrong unless it is set wrong."

Witness said in the report of July 1, 1910, that the machine would record vote accurately and quickly and says so still.

1543 Witness was paid for his reports of 1909 and 1910.

Witness does not know that on Friday last 22 experimental votes were cast upon the machine in a minute.

1544 Witness does not know the percentage of straight and split votes cast at elections here.

Witness never assisted in the counting of ballots and does not know how many votes were marked with identification marks by the voter so as to show the way the voter voted.

Such markings would not be possible on a voting machine.

1545 Wire clips and rubber bands used on the face of a machine would not permit the voter to vote more than he was entitled to.

1546 Succeeding voter would be restricted from voting on certain candidates if they did not discover the clip or pin. The first voter is unaffected.

The releasing knob is intended to permit the voter to leave the voting machine without voting. Moving any key on the face of the machine will answer the same purpose. Witness cannot see the need of a releasing knob.

1547 Witness does not believe an ordinary voter could vote a mixed ticket for 60 candidates in a minute.

Witness does not think the present plan of having one custodian is practical. A bi-partisan board of cus-

todians might help the situation but might not be satisfactory.

Witness thinks the man who cannot read or write cannot use the machine without an instructor at his elbow.

Witness thinks that the necessity for pulling down the key 11/32 of an inch furnishes possibility of error.

- 1548 Witness does not know whether it would be mechanically possible to devise a key which would vote the moment it was moved. It would be more desirable if it could be done.

With 44 candidates for County Commissioner at a primary it would be necessary to use four rows for this group.

- 1550 About 15 in a row is the mechanical limit; where the grouping becomes more than 15 the restriction wedges will not act because they bind on themselves.

If the judges are ordered not to open the machine the effect would be to stop the election in case the machine got out of order.

Less than four men could not transport and handle the machine.

- 1551 A voter who by mistake throws up the wrong independent voting slide cannot correct his vote. Raising the slide absolutely restricts the column from working.

Witness supposes the post office had special locks and special keys.

Witness regards the last November election as a good test of the voting machines in regard to voting in a minute. The larger a ticket is it is the best test on time.

The voter would vote for an independent candidate in the irregular row above only when the candidates name did not appear printed on the machine.

- 1552 Witness does not know that Judge Rinaker stated recently that there would not be more than four such names in 100,000 votes.

To elect an independent candidate through independent slide written voting would require writing in the names a good many times.

- 1553 Mr. McEwen produces a section of a device to illustrate how the Empire voting machine works.

Witness identifies it as a model of the individual restricting device.

The strips to which the wedges are attached move up and down the wedges drop against each other with each

motion. "It will take a long time for them to wear appreciably."

- 1554-5 The voter who moves an independent slide is restricted from voting afterwards in the same column; but if he had voted below first, under the instructions for voting, so that he releases that column, there would not be anything to prevent his voting up there.

The use of a key in a column restricts the slide and vice versa.

If the voter moves the slide he cannot move any key in the same column again.

- 1556 Under the cumulative voting system the cumulative voting device must provide four ways for voting for each candidate for representative, 1 vote, 2 votes, $1\frac{1}{2}$ votes and 3 votes. With 3 candidates to provide for all contingencies would require 12 different provisions.

- 1557 When the pin between the $1\frac{1}{2}$ and single voting compartment of the cumulative voting device is removed the voter would be restricted and could not vote in the compartment.

Witness thinks, however, that so far as the individual candidates are concerned, the removal of the pin would enable the voter to vote five instead of three.

1558

Re-direct Examination by Mr. Deneen.

The witness was paid for the reports made in 1909 and 1910 and made four different examinations for the old Board. He was paid each time and each time advised the Commissioners not to purchase the machines.

Witness' report gave certain objections to the machine, but not all.

Witness has never entered a voting booth while the voter was marking his ballot or for the purpose of seeing the voter mark it and his opinion on such things, if he had any, would be purely speculative; so would his opinion as to whether a voter would observe a rubber band on the face of the machine.

- 1561 The witness has no practical information as to what the voter could do on the face of the machine.

Witness does not remember an instance cited by counsel for the Commission wherein it is said Alderman Snow was nominated by having 2,000 names written in on the voting machine.

1565 The character of the work of the machine depends upon the honesty and intelligence of the voter and the judge and the custodian.

"Mr. DENEEN. Yes. Q. Now, referring to the question asked here by Judge McEwen regarding the points required in the ballot law, page 2, beginning at No. 30—line 30.

1566-73 "Mr. McEWEN. That is the voting machine law?

"Mr. DENEEN. That is the voting machine law. Thirty-four is the question about the 'providing, however'; it begins at line 30 down here; do you see it there?

"A. Yes, sir.

"Q. And running down to line 34. Judge McEwen asked you whether or not this complied absolutely with the provision that it affords electors an opportunity to vote in absolute secrecy.

"Mr. McEWEN. Excuse me, I did not ask you whether it complied absolutely. I said 'reasonably and practically.' I used those words.

Mr. DENEEN. I see; the absolute secrecy then—yours was reasonable and practicable secrecy.

Mr. McEWEN. Oh, no, that is not what I said. I asked him considering those questions reasonably and practically as to all requirements of the law, did he feel the machine complied with those questions. I went on and enumerated.

Mr. DENEEN. Q. Professor, regarding your answer to that, the judges have access to the counters before a man votes?

A. Yes, sir.

Q. And they may have after he votes? A. Yes.

Q. If they inspected the counters before he votes and afterwards he would not vote in great secrecy, would he? A. I think they could tell if they turned to read the counters, just what he voted for.

Q. Just what he voted for? A. Yes.

Q. The second clause (reading): "That it enables each elector to vote a straight party ticket," the custodian can prevent him doing so when he thinks he has voted for it, can he, put on obstacles which will prevent him voting for it, when he thinks he has?

Mr. McEWEN. I object to what he thinks, that is argumentative.

1567 A. He can vote the straight party ticket by all the

party keys, but he might be restricted from doing it by an individual key.

Q. Well, the other day a man voted twenty-two Democratic tickets and when you counted them up they found he had voted only twelve? A. Yes.

Q. How do you explain that? A. Because the machine was not properly adjusted.

Q. That depends on the custodian? A. Certainly.

1569 Q. Third: "that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of all other parties, and in part from an independent nomination, and in part from persons not in nomination by any party or upon any independent ticket." A. Yes.

Q. Whether or not it can be made to do that? A. Yes.

Q. It can also be adjusted by the custodian or the judges if they have the keys to the lower compartment of the machine, so that that cannot be done? A. Yes.

Q. As was demonstrated? A. Yes, sir.

Q. On line 39, "that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office which he may desire," and the answer to that is that it can be made so to do and it can be made not to do so? A. Yes.

Q. And line 40, "that it enables each elector to vote for all candidates for whom he is entitled to vote and prevents him voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate," and the same answer applies to that, it can be made to do so and it can be made not to do so? A. If properly adjusted it can do so.

Q. And that it prevents the elector from voting for more than one person for the same office unless he is entitled to vote for more than one person therefor, and in
1570 that event permits him to vote for as many persons for that office as he is by law entitled, and no more? A. Yes.

Q. The same answer, it can and cannot be done? A. Yes.

Q. The other day, Thursday or Friday, you showed that he could vote a straight party ticket, and on the same ticket, at the same time, give a candidate two votes? A. Yes, any individual candidate.

Q. Line 49: "and that such machine will register correctly by means of exact counters, every vote cast for the

regular tickets thereon." That depends on the custodians and the judges, if he has the keys, does it not? A. Yes.

Q. "And has the capacity to contain the tickets of seven political parties, with the names of all the candidates thereon, together with all the propositions to be voted on, except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof, one ballot label in each party or row shall contain only the words 'presidential elector'?" A. Yes.

Q. I suppose that depends on the way it is adjusted? A. Yes.

Q. On line 56: "that all votes cast on the machine on a regular ballot or ballots shall be registered?" A. Yes.

Q. The custodian can prevent their registering? A. He can.

Q. And the voter can by these rubber-bands and the metal instruments that they have placed on the machine, and also the judge can, under ordinary conditions, prevent that machine voting on certain matters? A. On the propositions.

Q. On the propositions? A. Yes.

Q. And line 57: "that voters may, by means of irregular ballots, or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine." That depends on the judges or on the custodian? A. Yes.

Q. And on the voter, whether he moves the paper through the slots or shutters? A. Yes, sir.

Q. Line 59: "that when a vote is cast for any person for any such office when his name does not appear on the machine for the same office." A. Yes.

1571 Q. Can that be prevented? A. I suppose the only way to prevent that would be to have the name written in, not counted.

Q. But he can vote into the same— A. He can write it on.

Q. He can write it on? A. That depends on the judges.

Q. Line 62: "That each elector can understandingly and within the period of one minute, cast his vote for all the candidates of his choice"; that depends on the elec-

tors, the Supreme Court has decided that, hasn't it? A. Yes.

Q. That in case the machine is so constructed that the candidates for presidential electors of any party can be
1572 voted for only by voting for the ballot label, containing the words "presidential electors," by voting an irregular ticket as hereinafter defined the elector may vote for any person or persons he may choose for presidential electors?" A. Yes.

Q. Further "that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose. A. I think they can.

Q. By the judges or custodian? A. Yes.

1573 Q. Can they be manipulated by the judges or custodian for fraudulent purposes? A. Yes, they can.

Q. "That the machine is susceptible of being closed during the progress of the voting so that no person can be or know the number of the votes registered for any candidate?" A. Yes.

Q. It is susceptible. A. Yes.

Q. It is also susceptible of being opened, isn't it, so that they can see the progress of the vote? A. Yes.

1574 Relative to questions asked by Judge McEwen about transportation, witness has considered them all in his examination and reported that the problem of transportation was an objection to the voting machine.

1575 Witness remembers the frauds referred to in the grand jury report of 1908 and thinks that was collusion among those in charge of the voting machines. They could do all that was done in the hearing room the other way.

1576 If the judges made affidavit in case of a blind vote, as was suggested, there would be no means of identification of the vote upon the machine, except that the public counter would not correspond with the individual counter.

1577 While a machine could not eliminate the human element from voting it could restrict it more than the Empire machine does. It could add the vote mechanically and accurately, and to that extent eliminate the human element.

If the locks were encased so they could not be reached

during voting hours that would eliminate the human element. There are machines that do this. Witness thinks the International machine does it.

Placing a printed impression of the votes on the machine would eliminate another human element.

- 1578 The method of operating the counters in the Empire machine would have to be changed to allow the attachment of a party-lever which would necessitate the reorganizing of the whole machine.

The setting of the machine at 999 and the casting of an experimental vote by the judges would eliminate a good deal of trouble and be a check upon the custodian.

It is a decided disadvantage in the voting machine if they permit the voter to monopolize the machine while he is making up his mind.

- 1579 A machine so designed as to make the ballot mechanism separate from the recording mechanism would make it possible for several voters to prepare their ballots at the same time as in the Australian ballot system. Witness understands that such a machine is being brought out.

- 1580 In answering Judge McEwen, according to his recollection to the effect that the Empire machine was the best voting machine witness had seen, witness was in error. What he meant to say was that it was the best of its type.

The rust question was considered by the witness when acting as an expert. It was one reason why he suggested ordering only a few machines at a time, in order to test them on this question.

- 1581 If the voter voted according to instructions for voting a split ticket by running his finger along the keys of his own party after voting independently outside of it, the machine ought to thoroughly restrict him from voting the candidates furthest to the left in his party row. These are restricted because, with the vote outside of his party the voter has used up his space before he reaches them.

- 1582 Witness illustrates this on the voting machine by voting 3 outside of the Democratic party and then voting the Democratic party row, and is restricted from voting for the three County Commissioners on the left-hand end of the Democratic row; namely, Peter Bartzen, Daniel Moriarity and John Mahoney. If he votes two outside the Democratic party he cannot follow the instructions for voting and vote for Moriarity and Bartzen. If he

votes for one outside the Democratic party he cannot vote for Bartzen. The man farthest to the right would be given an advantage by the voting machine when voted according to instructions.

"Mr. McEWEN. Yes, but the instructions say that the party line is to be pulled first and your scratches afterwards."

- 1585 Witness has not found any means of restricting the party key at the end of the independent row as the machine is constructed.

Afternoon Session.
Tuesday, August 5, 1913.

CLARENCE E. DEPUY resumes stand:

Re-direct Examination by Mr. Deneen Continued.

- 1586 Witness has read instructions regarding voting sent out by Election Commissioners and he understands they instruct the voter first to split the ticket and then vote the remainder of the ticket by running his finger over the keys from left to right.

Re-cross Examination by Mr. McEwen.

It makes a difference in group voting, in voting a split ticket, whether the voter votes the split first and afterwards the straight part of his ticket or vice versa.

- 1587 Witness can probably vote faster on a machine than with the Australian ballot.

The human element cannot be eliminated by the operation of voting machines.

- 1589 After it is adjusted correctly by the custodian the machine will operate correctly as long as it is adjusted correctly.

- 1590 Witness has not seen a better machine than the Empire nor one so good.

- 1591 There is not the same opportunity to mark ballots on the voting machine as in the ballot box.

The ballots cannot be falsified on a voting machine by short pencilling. There would be no opportunity for using a device having a rubber stamp on the thumb.

Witness thinks a count on the voting machine would

be collected within an hour; does not know how long it takes.

1594 Witness knows that under the Australian ballot system the counts were very much delayed in some precincts. Witness has heard that sometimes the count is held back fraudulently until it is known how many votes are needed.

1595 In witness' answer to Governor Deneen concerning frauds mentioned in the grand jury report of 1908 and that these could not be corrected by the voting machine, witness does not take into account frauds committed by holding back the returns and in that respect his answer needs qualification.

Re-re-direct Examination by Mr. Deneen.

Witness recalls the provision of the law requiring the filing of nomination papers 30 days before election. The custodian would have this 30 days to "rig up the machine."

1596 Under the Australian ballot system frauds may be committed by judges and clerks, policemen and workmen within a few hours after the polls are closed. With a machine it might be done by the custodian along within the 30 days preceding election.

"Mr. McEWEN. The last day for the withdrawal of candidates is 13 days before election; then the ballots have to be printed still."

1597 "The WITNESS. The restrictive mechanism is what ought to be used."

"Mr. DENEEN. It is page 3 and the line is 67; we will see what the law says about the human element. I will read it; this is one of the points it must have: 'That the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented, so that it cannot be tampered with or manipulated for any fraudulent purpose.' That is one test, isn't it?

"A. Yes, sir.

"Q. It does not meet that test, does it? A. No, it does not."

1598 The test of the voting machine is how far it eliminates the human element. That is why witness advocated the party-lever; and advocated setting these locks in auto-

matic cases and printing the ticket in the morning so as to have a check on the custodian.

Re-re-cross Examination by Mr. McEuen.

- 1599 Witness thinks that better locks could be provided than the ones in use on the Empire machine.
- 1600 A lock with a special form of blank would be an improvement. Another improvement would be a limited number of inspections by the judges.
- 1600-1607 The following statutory provision is read to the witness: "That the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose," and is asked whether there is a lock made that will absolutely prevent tampering with it for a good or a bad purpose. Witness answers: "I never heard of any."

1608 *Re-direct Examination by Mr. Deneen.*

The International machine has an automatic encased lock.

"A. As I understand their mechanism is so arranged that the lock cannot be opened twice after it is closed until another compartment has been opened. That is the compartment closed by the lock can be opened twice and then in order to open it again another compartment has to be opened first, which is done by an entirely different lock."

- 1609 As the witness understands, the International machine, a printed ballot is taken off before six o'clock the morning of the election day and after the lever is put on there is no possible way to get into the machine. After four o'clock the lever is taken off and another impression taken. The two impressions are a check on each other.

1610 GEORGE O. OLSON:

Direct Examination by Mr. Deneen.

Lives at 5919 Ohio street. Is a manufacturer of special machinery, dies, tools and stampings. Has been president of the Fort Dearborn Manufacturing Company for the last 18 years.

Witness has been a machinist for 36 years. Has inspected voting machines in the City of Chicago for the old Board of Election Commissioners four times. Examinations were made at the same time by Professor DePuy, Professor Leutweiler and Mr. Breckenridge the first time.

A report of the examinations was filed with the Election Commissioners.

Witness has been employed by the Legislative Committee to examine voting machines and helped prepare the statement regarding the mechanism of the machine, its material, and so forth, which was read into evidence in the form of question and answer during the examination of Professor DePuy.

1613 A voter can commit a fraud upon the voting machine while concealed by the curtain.

He can prevent keys from being worked by using a wire clip which can be placed on the machine to obstruct voting.

The clip is painted the same color as the face of the machine to conceal it from the voter who is voting according to instructions sent out by the Election Board for voting a mixed ticket.

1614 A piece of angle steel may be placed in the slide or shutter for irregular voting which prevents the movement of the slide for voting purposes. Its edge only is presented to the voter and it is knife-edged and not discoverable.

1615 A rubber band can be placed on a key of the machine in such a way that when the voter votes according to instructions for voting a split ticket the key will be returned to its place before the vote lever is pulled and will not register a vote.

A voting key must be pulled down $11/32$ in order to

register a vote. If it is pulled down only 9/32 it will not register and the vote will be lost.

- 1616 The judges have access to the counters and by looking at them before and after a voter votes can tell how he voted.

By lifting the ratchet controlling the irregular paper roller and thus permitting the voter to move the independent paper roller ahead and vote more than once he may write in the name of an independent candidate more than once upon it.

The returns must be read from the back of the machine by the judges and put down by the clerks and their integrity depends upon accurate and correct reading.

The custodian can adjust the counters so that they will show a vote different from that taken during the election.

- 1617 This can be done by putting zeros on the counter concealing the counter figures.

Any number of votes short of 999 can be given to a candidate or taken away. The judge can manipulate the question lockout so that the voter can vote regardless of the right to do so.

- 1618 The party-key at the end of the row for independent candidates cannot be locked out as the machine is constructed. It can be done by hooks inside of the machine fastening the independent keys down.

The custodian can arrange the machine so that the voter can vote a straight ticket and also vote an individual candidate of the same party.

- 1619 The custodian can do this in a few seconds.

Witness believes that custodian can adjust the cumulative voting device so that the voter can vote 6 votes for member of the General Assembly, or 5, or any number. The same thing can be done by the judges, clerks, or anybody who has access to the keys of the lower compartment.

- 1620 The judge of election can permit a voter to vote at a primary election for candidates of all parties or for other parties than that with which he is affiliated.

Witness examined the machine at the Hotel La Salle.

A primary ticket in this election district cannot be placed on the Empire machine.

- 1621 It is too large. At the last primary there were 46 or 48 Republican candidates for County Commissioner. This

would be four rows on the voting machine and require the same space for each party on the machine. This cannot be done on a 9-party, 70-key machine unless it is altered.

Witness thinks the party-lever of great advantage in a voting machine. It saves time and adds the vote.

1623 The party-lever cannot be applied to the Empire machine without redesigning the whole machine and establishing a connection between the keys and the party bar.

Since last Friday the witness has prepared an additional obstacle that can be placed on the machine to prevent voting for one candidate.

(Here the witness, the Committee and the counsel go to the voting machine.)

(Witness places his device upon the voting machine and the Committee and counsel search for it.)

1625 "Mr. DENEEN. I want to call the attention of the Committee to the fact that Judge McEwen's minute is up; he has been two minutes looking for it.

"Mr. McEWEN. Well, just a second and I will find it.

1626 The device was fixed on key 27-D which would not go down. It is a small block of metal $\frac{5}{32}$ of an inch thick and $\frac{5}{16}$ of an inch wide and pierced with a $\frac{1}{32}$ -inch hole through which a piece of piano wire $\frac{7}{32}$ of an
1628 inch long is put. The block simply finds the natural position in the channel on the face of the machine and the wire extends under the key and prevents it from going down. It is not readily seen.

1629 It took witness 40 seconds to vote and put the obstacle on the machine the first time. Both the block and the
1630 wire are black. Enamel should be put on the wire. The witness used lampblack.

The voting machine weighed 1120 pounds in the case. Would not be hard to handle, but hard to handle at the polling place. That would be very difficult.

1632 As far as witness knows the instructions to voters were to vote from right to left, "pulling your fingers along the keys."

1633 *Cross-Examination by Mr. McEwen.*

Witness does not know about the difficulty of handling the machine in the warehouse. There will be no trouble

about handling it except as to expense. Witness does not think the machine hard to handle when in the box, but that it is when outside the box. Witness presumes the box is on rollers.

1635 Witness thinks that 5 men would be required to lift up the machine bodily in order to place the legs under it; four to lift and one to place the legs. Four men might do it by lifting up one end at a time, or possibly three men if they were experienced.

1636 Witness has never seen a machine lifted; one experienced man and two without experience might put the machine in place by lifting one end at a time.

Witness examined the Empire machine and made a report in 1910, also in 1909. As to material, it is pretty good, but might be improved upon. Witness has come to this opinion because "experience has been telling me that there has been improvement along that line."

The workmanship was first class in 1910. The Empire machine could be improved by using more non-corrosive metal.

1638 Witness found rust spots in the lower compartment. The metal at that point is either not shererdized or is rusted. Shererdizing will rust. Witness saw rust on the channel bar; there were more than half a dozen rust spots.

1639 Witness thinks the rust spots averaged about $\frac{5}{8}$ of an inch in diameter. Witness saw the same machine as Professor Depuy.

Witness has seen either a rust spot or a spot not shererdized on the working parts of the machine.

1640 Metal not shererdized is black or white or gray.

Rust spots might be pretty serious.

"Q. You say in 1910 the Empire used—I will read from the report here, to see whether you recognize the Empire, 'The material used in the construction of this machine could not be, in my opinion, improved upon.

1641 The workmanship is first class. I wish to call especial attention to the high grade of work on the counters and the counter-holders, which is, in my opinion, very high grade work.' Is that true in 1910? A. True as to the workmanship, true as to the material at that time, as far as my knowledge went at that time.

"Q. Is it true altogether in 1910? A. That was my opinion at that time.

“Q. Do you think so now? A. Not as to the material no.

“Q. On account of this piece of metal there that you cannot tell whether it is not shererdized or whether it is rusted? A. No, sir.

“Q. On account of those little spots? A. No, sir. I will say I was of the opinion at the time the shererdizing was rust-proof, but I have changed my mind.

“Q. Is it recognized as a standard method of preventing rust? A. One of the methods, yes.

1642 Shererdizing is a good method of preventing rust. “But I think any method of preventing rust the parts have got to be in a place of equal temperature to keep that rust from showing or rather to keep the rust away.”

“Q. You also, in your report of 1910 concerning the Empire machine, say this machine seems to be designed and built with the sole idea of complying with the Illinois law, and they have succeeded, but they have lost sight of the many problems confronting a large city, such as transportation, storage and repair. The machine is entirely too heavy and composed of too many parts and I consider it unwise to purchase any machine of this type at the present time as I am convinced we can look for great improvement in the near future,—in the matter of improvement,—in the near future. Did you mean a lightening of the machine, did you? A. Well, that is one thing, lightening?

1643 “A. There has not been any advancement that I can see, in voting machines since 1907, except in a few details.

“Q. The defects that were discovered in 1907, 1908, 1909 and 1910 have been corrected, haven't they? A. They have been corrected, because the workmanship has been improved.”

Witness thinks the party-key very unsatisfactory to the voter because he cannot see the keys go down for the candidates for whom he votes.

1644 This objection does not exist as to the keys for individual candidates.

Witness thinks the party-key should be changed to the party-lever.

Witness does not recall any difficulty about using the party-lever with the cumulative voting device.

Four provisions have to be made by the cumulative

voting device for each candidate for the General Assembly; 1 vote, 1 1/2 votes, 2 votes and 3 votes.

For three candidates for the General Assembly 12 lines would be required.

- 1646 Witness cannot give an idea of the difficulty of adjusting a party-lever to voting machines with a cumulative voting device, but thinks it could be done.

Witness has done very little designing of machinery.

- 1647 The cumulative voting device on the Empire machine seems a good device. Witness' report of 1910 said there was a slight defect in the cumulative voting device on the Empire machine. Witness does not find any defect now.

In the 1910 report witness thought the grouping device on the Empire machine very good. Thinks so still.

Witness thought in 1910 the machine should be built so as to adjust itself to unlevel floors by some raising and lowering device. Thinks so still.

- 1648 Witness' report in 1910 stated, "The ballot lock is simple and effective, but the bar at the right end which holds the strips into place should have a key lock. The resetting device on this machine is to be commended for its simplicity. The alignment of the keys is good."

- 1649 The machine had a seal in place of a lock recommended. Witness is of the same opinion now as to the resetting device and alignment of keys. Witness would limit the possible inspection of machine and witness thinks a 100-key machine about the limit.

Witness does not think the principle of the machine could be applied to a 200-key machine.

- 1650 "Q. You think that this machine is very secure against manipulation as to the counters which cannot be moved without opening the lower doors, and as I understand, the keys to this door are held by the custodian, you thought it was a pretty secure machine at that time, didn't you? A. At that time, yes; I don't know whether it is the same machine or not."

Witness' report to the Board of Election Commissioners in 1910 states: "At your request, I examined the Empire voting machine installed in your office."

Witness does not know whether that was the same machine as the present Empire machine or not. It bore the name-plate of the Empire Company.

- 1651 The machine was very similar to this.

The report for 1910 commended the device for primary

elections, but witness thinks now it is not large enough for primary elections in Chicago.

The witness' opinion as to the workmanship remains the same as in 1910. It is practically the same.

- 1653 Witness has changed his opinion since 1910 so far as manipulating or restricting of keys is concerned. Witness had not seen the rubber band until the other day. Had heard about it, but did not know how it was put on.

The witness first saw wire clips about two weeks ago.

- 1654 Witness thinks any voting machine might be fixed.

- 1655 It would take about half a minute to bore the hole in the little block; half a dozen of the pins were made by a mechanic in half an hour.

- 1656 Witness does not know how long it would take a voter to find this lock and pin device. He would know the key was fastened as soon as he undertook to vote.

Witness thinks putting in wedges, wire clips, and rubber bands constitute an objection to the machine. A machine that permits it should be rejected.

The voting machine should be constructed along lines which would not permit that to be done.

There should not be the channels and openings between the keys as on the Empire machine.

- 1657 If you have keys to move some space is necessary, but not enough to permit of putting in a wedge.

To put a ballot on a voting machine requires some space to allow the key to pass over the face of the ballot. It is not necessary to have a channel $5/32$ of an inch deep.

- 1658 Witness would have the channel or groove removed. Witness does not believe any of the machines he has examined had the deep channel under the keys.

The possibility of wedges and wires did not occur to him when examining the machines in other years.

Witness has examined United States Standard and Columbia voting machines, but up to the present year has never considered the question of restricting devices, rubber bands, clips or wedges.

- 1659 Witness has seen a voting machine that printed; the International. It did not ink the counters; a typewriter ribbon was used. Never heard that the International was liable to get wet.

- 1661 Witness examined the International machine in 1907. Witness cannot say whether a machine with a party-lever is liable to get out of order, to gum and stick. In his report on the International in 1907 witness said:

"I am satisfied if it was stored for 6 months you could not move the party-lever as there would be great liability that the slot would gum up and stick."

Witness does not know whether a rubber stamp could be placed over the counter on an International machine and make a false printing.

1662 Witness does not think this could be done.

Witness saw Professor Depuy move the paper roll. In doing it he does not take up the slack in the paper, but makes the slack.

1663 Witness does not think there is any limit to the amount the paper can be moved, but that the roll goes round and round.

A voter locked out from the row he was entitled to vote would have no difficulty in discovering it.

1664 In all the particulars testified to by Professor DePuy, the restricting device, the question lockout, the party-key on the Independent candidates, the false paper marks on the counters and so forth, the machine will do what it is set to do. The machine is not set properly because the independent slides do not stay up when they are raised up.

1665 Especially when the voter, with a pencil in his hand, had to look for the slide the second time. It does not prevent the voter from voting when he wants to.

"Q. Then I will ask you the question generally with regard to all of these matters: Will the machine do what it is set to do? A. Yes, sir.

"Q. And express the will of the voter and count it or show it on the counters, and if the men surrounding the machine do their duty with regard to reporting it you will have a correct election reporting? A. Yes, sir."

If the custodian's key remains in his possession and so the judges or individuals cannot get it the machine is safe in the polling place in the hands of the judges. That is, they cannot do anything that the voter cannot readily discover and protest against, except in the points mentioned, which the judges can do, namely, the question lock-out, the primary lock-out and looking at the register.

All of these must be done in the presence of witnesses.

In order to open a machine in the rear it is necessary to have the voting-lever in regular position and this stops the voting.

1666 "Q. Do you think that the voting machine could be so perfect that it will not permit the restricting of keys,

that it will not permit the unlocking of the rear door to allow that roll to be rolled, that is, it will not—that it must be so perfect that the locks cannot be fixed under any circumstances, and that the custodian cannot set it improperly? A. Well, there are a lot of things that could be done that are not done.”

Witness does not think that a machine should be rejected solely because keys may be restricted; that is one reason. Or, because a custodian may set it improperly, or because the custodian's keys may be stolen and fall into the hands of dishonest judges or other persons.

1668 Witness thinks the machine from which you cannot take a print before and after election should be rejected.

Witness would not accept a machine with the Empire's device for controlling the Independent paper roll. Witness thinks the construction very foolish.

1671 The Committee, counsel and witness go to the machine to enable the witness to test the paper roll.

The witness moves up the paper roll permitting Mr. Hough to vote twice for Independent candidates and moved it about half a space farther.

VOLUME XVIII.

Morning Session.

Wednesday, August 6, 1913.

1673 GEORGE O. OLSON resumed the stand:

Further Cross-Examination by Mr. McEwen.

1674 After making the experiment of last evening the witness still thinks the paper rolls device objectionable. He would not reject the machine because of his ability to move the paper roll, but would have the device arranged so that the pawl engaging the ratchet could not be removed.

To loosen the ratchet should require something more than just turning it over.

1675 The slack in the paper roll produced by witness came from the paper witness forced around not from the paper roll.

“Q. Now, briefly stating that experiment, you went to the machine and took the keys to the machine and turned the lock on the righthand, locking the front of
 1676 the machine, went to the rear, opened the top door, disengaged the pawl at what is the left side facing the machine, and went back and unlocked the voting lock on the right end of the machine, opened the lock, holding the lever, threw it over into voting position, raised the shutters, one at the left end and one towards the right end and then by working your fingers in the opening on the paper pressed it down and succeeded in pressing it, advancing it about two spaces and a half, is that a correct statement? A. Yes, sir.”

If the ratchet was engaged in the pawl and the paper was fastened to the roller, you couldn't move the roller around or unroll the paper.

1677 If the machine is restricted properly by the custodian the judge cannot move the primary lever to zero.

1678 Before the voting-lever is moved by the voter the judge can move the primary-lever to any point the judge desires. The judge would not misset the primary lever for the intelligent, honest vote.

1679 If the judge put the primary lever on the Democratic point a voter would be shut off from voting the Republican primary ticket.

1680 Witness thinks the judge has a greater opportunity for fraudulent manipulation of the proposition lock-out than on the primary lever, as the machine is at present constructed, because to lock-out on propositions the judge must go around to the other end of the machine.

The witness thinks the primary lever and the proposition lock-out are too small. They should be so that they could not be covered by the hand.

If the primary-lever and lock-out can be seen there is no question of fraud.

1681 Witness thinks the voter should be able to set the machine for his own party on primary elections.

Mr. McEwen suggests that the law would have to be changed in order to let the voter do that.

Witness does not think the present design of voting machines in general is correct. Witness thinks the idea of a rotary machine would be feasible.

1682 Witness has never seen one. The keys on the Empire machine could not be tampered with so readily if the pa-

per in the machine had a smooth surface. The ballot could then be fastened on in some other way.

- 1683 Witness sees no reason why a dial could not be devised to show what ticket a voter was voting on a primary election, especially if it were set where the challenger could see it.

Witness was selected four times to examine voting machines. Witness did not solicit the appointment.

Witness was present last night when Mr. Keiper, Patent Attorney for the Empire Company, examined the machine in the Hotel La Salle.

- 1685 Also Mr. Hough, expert for the Election Commissioners, and Professor Leutweiler.

It was not agreed that the rust on the machine had come from acid spilled upon it.

That was suggested by Mr. Hough but not agreed to. Witness has not changed his mind regarding the rust spots. In general the strips seem to have been shererdized. One, however, seemed to have been overlooked.

Re-direct Examination by Mr. Deneen.

- 1686 What the witness means by the voter selecting his own party is that he should be allowed to set the primary lever for himself before going into the voting machine.

The law requires the judges to be four feet away from the machine and the witness cannot see how this can be lived up to if the judges adjust the primary-lever.

- 1688 Anybody with a key, who also breaks the seal, can set the primary-lever so the voter can vote for any party without restriction. The seal is a lead seal with a small wire.

In answering questions as to whether he would reject the machine because of this and that particular defect, witness simply means he would require the machine to comply with the law or he would reject the machine.

Cross-Examination by Mr. Mitchell.

- 1689 If a machine in actual use at an election could be taken from the truck across the sidewalk and into the polling place and set any place in five minutes witness would still consider that the question of weight was of serious moment, because he didn't think that could be

done all over the city. If it was proven that the above had been done repeatedly, then he would not consider weight a serious objection.

1690 Witness does not know that the law prohibits polling places being elsewhere than on the first floor.

1691 Witness has not been a judge or clerk of election, a challenger or watcher, or a candidate for office. Witness,

1692 therefore, knows nothing practical regarding the practical operation of the Australian ballot law, the counting of ballots, and so forth, or the relative advantages of such voting and voting on the machine.

Witness knows that elections are conducted in basements and has voted in one.

O. A. LEUTWILER:

1695 Resides at 511 West Green street, Urbana, Illinois. Teacher at the University of Illinois, Department of Mechanical Engineering. Has been teaching there ten years; graduated from the University of Illinois in 1899 from the same department. Has worked in machine shops prior to going to college, during college vacation and after graduation worked in the shops and also in a designing office.

1696 Has been engaged by the Election Commissioners of Chicago to investigate voting machines on two occasions. The spring of 1908 and the fall of 1909. Witness assisted Professor Breckinridge on the commission of experts in 1907.

Professor Breckinridge was professor of mechanical engineering at the University of Chicago and has since been transferred to Yale University, Sheffield Scientific School, where he is now.

1697 In 1907 the witness helped Professor Breckinridge on his report, and on the other two occasions made reports of his own. Witness' reports were adverse to the machine.

Witness has been employed to examine voting machines by the Legislative Investigating Committee.

1698 Witness has examined the machine at the Hotel LaSalle and the one at the hearing room.

Witness began work for the Legislative Committee early in July and was requested to serve by Governor Deneen.

“Q. Did you, Mr. Olson and Professor Depuy prepare a statement as to the materials in that machine, its mechanism and method of operation, that was read by Professor Depuy here the other day? A. Yes, sir.”

The witness has also helped to prepare instruments to obstruct the machine.

1699 A fraud can be committed with the wire clips. Witness describes the clip and its purpose “that prohibits or rather, bars the key from being moved down by the voter.” It is made the same color as the machine so as not to be readily discoverable.

“Q. Do you know the instructions published here in reference to voting a split ticket? A. Yes, sir, I think the voter is instructed to cast the ballot for the individual he wishes to vote for outside of his own party, and then move his finger and pressing down at the same time across the horizontal row of the party of his choice,

1700 and that might be that wire clip might restrict some of these keys and he may not notice it and may pass it up.”

This is liable to occur on group candidates especially.

Witness prepared the wire clip which he has placed on the machine. Its purpose is to deprive the voter of his vote in the manner above described.

1701 Witness describes the angle steel obstruction for the voting slide in the independent column which prevents the shutter from being opened and the voter from voting. The thin edge of the strip only is presented to the voter and is hardly visible.

1702 The witness describes the rubber band device, its operation and purpose to deprive the voter of his vote by returning the key to non-voting position after it is pressed down by the voter and before the voting-lever is pulled.

Judges of election can keep track of voting and how individuals vote by watching the counters.

The judges have charge of the key to the voting-lever, the key to the lock on the righthand end of the machine and to lock No. 3 on the back of the voting machine.

The custodian has two keys, one to the lower rear door
1703 and the key locking the mechanism on the counters.

The lower compartment contains most of the restrictions. It does not contain the question restriction which is controlled by the judge.

Witness describes the paper roll. The judge can draw

the pawl from the ratchet controlling the paper roller enabling the voter "who knows the condition of the machine" to cast two votes.

- 1704 The judges are supposed to inspect the machine in the morning to see that all the counters stand at zero. There are 2127 counters on the back of the machine.

"These zeros are located on the individual wheels inside of those counters, each counter having three counting wheels and are approximately 1 1/4 inches high and 1/8 inch wide with a red center, red enamel center, black—"

- 1705 Paper zeros may be pasted over the figures on the counters, confusing them. By the use of this device, one counter may be set ahead and one back.

The custodian who has the keys to the locking counter could make one set of counters read 990 and another 10, the candidate whose counter was set at 990 starts ten below zero. After ten votes his counter would register nothing. The eleventh vote would be registered as one vote. The candidate whose counters were set at ten would start with ten votes before any votes were actually cast for him.

- 1706 The same fraud might be practiced upon the party-key. The judges could set the counters falsely if they had the key and break the seal on the counter lock. This is an ordinary small wire and lead slug seal.

Witness saw numbers but no identification marks on the seals he examined.

- 1707 It is not difficult to break such a seal or to replace it with another.

The paper zeros put on the machine are slipped from the wheel in the operation of voting and drop into the bottom compartment to which the custodian is the only man who has access. This evidence of a fraud which he could commit would be in his own hands and could be easily removed by him.

- 1708-9 If the counters were set too far ahead or too far behind, the fraud might be discovered by inference or reasoning but not by anything appearing on the machine.

- 1710 But if the counters were set so that enough votes were cast to reach and pass the zero mark on the counters which were set there would be no evidence whatever on the machine for the fraud. The machine would afford no check against such a fraud.

This particular fraud would be obviated by a voting machine that has a ballot printing equipment.

- 1711 Witness describes a voting machine with a printing attachment and its operation, practically limiting frauds to the hours when the voting was in progress and eliminating the custodian.

Witness favors the party-lever. It expedites voting the split ticket and enables the count to be taken more quickly after the election is over. It does its own adding.

- 1712 Witness describes how the votes are added on the Empire machine.

"A. The votes for the straight party must be added or, to put it another way, the votes of the individual candidates must be added to those on the straight ballot keys. In the legislative vote, the reading on the counter must be multiplied by constants, depending on how the ticket is arranged on the face of the machine; also the straight vote given these candidates must be multiplied by constants, and then the results must be added to get the final result on the legislative candidates.

"Q. On the face of the machine how does the name of the candidate appear? A. On that particular machine located in the room here, one man's name appears three times in the individual rows; a second candidate in the same party, taking the Republican, for instance, it appears in three columns, and then there are two columns where the man's name appears just once; that gives each one of those last named 1 1/2 votes, and in the previous case, each man can get three votes, or you can split two for one and one for the second.

- 1713 "Q. Now, in the column there, referring to this legislative device, where it shows the Socialist ticket, and Progressive ticket and Prohibition ticket, 1 1/2 votes, say Mr. Snite, 1 1/2 votes, and right aside of it is a blank. A. Yes, sir.

"Q. Now, if a voter voted the ticket and for Mr. Snite 1 1/2 votes, and then the next one to it 1 1/2 votes, which is blank, what would be counted? A. 1 1/2 votes for Mr. Snite."

Witness describes the manner of taking the vote off the Empire machine by judges and clerks; the adding of the straight ticket to the split ticket, and so forth.

The Empire machine cannot be equipped with a party-lever without redesigning it.

- 1714 It would require a separate connection of each counter of which there are 700. As the Empire machine is equipped at present, the judge cannot prevent a voter from voting a party-key in the Independent row.

Custodian's keys could be duplicated easily.

- 1715 Witness saw Professor Depuy duplicate keys. The Empire machine could be adjusted so that the voter can cast more than three votes for Representative in the General Assembly; it can be adjusted by the custodian so that a voter may cast any number of votes up to 6.

This adjustment can be made in half a minute by removing the compensators on the back (bottom?) of the restricting device.

- 1716 The machine can be adjusted to permit the voter to vote his party ticket and also for some individual candidate on the ticket at the same time. This adjustment can be made by the removing of the restricting clips; the custodian can do it in two or three seconds.

The machine has a device for primary voting. It is at the right hand end of the machine and is controlled by the judges and is so small that it may be covered by the judge's hand.

It is hard to distinguish.

- 1717 If the operating lever of this device is placed by the judge at zero the voter can vote for any candidate regardless of party.

The compartment containing the operating mechanism of this device is accessible to the custodian and the judges.

Watchers and challengers would be no check upon voting outside of party affiliation and the machine would not indicate the fraud in any way.

Witness and Professor Depuy and Mr. Olson did not think that the voting machine at the La Salle Hotel and the voting machine in the hearing room were properly set up "to give a true record of votes cast at the election of November, 1912, in Cook County."

- 1718 "Q. Will you describe to the Committee in what way you think they were not set up properly? A. I can't recall the party—

"Q. Party row C, candidate column 22, name of candidate for Representative was not repeated. A. In the two columns that are intended for voting 1 1/2 votes for each of two candidates for Representative in the General Assembly, there only appears the name of one candidate in

the particular party in question, and that name is not repeated. If a voter comes into the machine and wishes to vote a split ticket but wishes to give the particular candidate of that party three votes, if he follows instructions of moving the keys down for split candidates and then runs his finger along the row, he would come to the particular keys for 1 1/2 votes first depressing that key which would cut him out from voting three votes for that particular candidate. If he does not inspect the machine very carefully, he is deprived of 1 1/2 votes for that particular candidate.

"Q. That is true on row C, column 22, you stated? A. Yes, sir.

"Q. On key 22-C? A. It appears on two other rows.

"Q. And then on rows D and F; the same conditions prevail. A. Yes, sir.

"Q. You think the candidate lost 1 1/2 votes that way? A. Yes, sir.

1719 "Q. Because it would not be registered? A. Yes, sir.

"Q. There is nothing on the rear of the machine to identify it with a blank? A. No, sir."

To register a vote the voting-key must be pressed down 3/8 of an inch. If pressed down only 9/32 of an inch the vote will not be registered. This may easily occur in running the finger over the keys across the horizontal rows and the voter thus will be deprived of a vote.

"Q. I will ask you whether candidates suffer on a group ticket; for instance, County Commissioners' ticket, where a man votes an irregular ticket, outside of his party column? A. In that particular group?

"Q. Yes, how would he suffer in that regard? A. After voting for the candidates he wished to select, out-
1720 side of his own party, and then runs his finger along the particular row representing the party of his choice, he will strike the right hand end first and the candidates on the left hand end may be deprived of a vote.

"Q. And the one on the right hand end is sure to get it? A. Yes."

Witness understands that the International machine has an encased lock which prevents access to the lock during the time the machine is in operation. Has never seen it and cannot describe its mechanism.

1721 The channels on the face of the Empire machine furnish ready means of applying clips, wires and other restrictive fraudulent devices.

“Q. Would you regard a voting machine offering as many possibilities of fraud on the part of the custodian on the part of the judges and on the part of the voter, as a satisfactory voting machine or as one complying with the requirements of the voting machine law that tampering with or manipulating the registering mechanism for any fraudulent purpose shall be absolutely prevented? A. I certainly should not consider it as a good machine.”

Cross-Examination by Mr. McEwen.

Witness thinks the last question applies to the Empire voting machine and gives it as his opinion that it does not comply with the law and is not a satisfactory machine, in that it is not absolutely secure against tampering.

1722 The witness' testimony has largely followed an outline prepared by himself, Professor Depuy, Mr. Olson and Governor Deneen. Witness thinks his answers represent his independent judgment in all cases.

1723 Witness is an Independent in politics leaning toward Progressive and if not progressive (before the days of?), toward the Republicans.

Witness entered the University's employ in the fall of 1903 and has been there since. Is assistant professor of machinery design.

1724 Witness assisted Professor Breekinridge in his report, but never read it.

1725 The following year when acting as expert he did not follow the outline of that report, but a paper provided by the Election Commissioners.

Witness also had a supplementary table which he prepared because he did not think the Commissioners' table was just what it ought to be.

In 1908 witness followed these questions:

“Q. In 1908 you said in your report: ‘The writer having given Professor Breekinridge some assistance in the first examination of the voting machines submitted to your Board in November, 1907, cannot help but remark on the improvement made on some of the machines since that time. The question immediately arises, Why will they not continue to improve until the fraud and manipulation of the machine mentioned in the foregoing section of this report will be entirely eliminated. Until this is

1726 accomplished the Board of Election Commissioners of

the City of Chicago would be entirely justified in postponing purchasing a voting machine, in the opinion of the writer a machine that comes nearest to fulfilling all of the conditions required of the machine and carrying out the requirements.' Those words expressed your views in 1908? A. Those were my views at that time, yes, sir."

In the examination of 1907 witness gave the Columbia 100% and fixed the percentages of the other machines at less than 100.

- 1727 The grades were all made relative to the Columbia which was deemed the best machine.

Witness cannot recall whether the Columbia had a party-key and the United States Standard a party-lever.

The witness at that time recognized the party-lever and the party-key question as an important one, but there were other objections and he didn't deem it necessary to put all in his report.

If the report so states, he at that time gave the preference to a machine with a party-key as against one with a party-lever.

- 1728 Witness does not remember enough to recognize in the Empire machine the features of the Columbia, United States Standard and Dean machines.

- 1729 When obstructions, such as clips, wires, wedges and so forth are placed on the face of a machine, a voter may or may not discover that they are fraudulent.

- 1730 The rubber band fraud depends on the voter not observing it.

The witness has tried rubber bands on all the machines he examined. Witness recalls a machine in which the voting-key made a complete revolution and practically abolished the use of rubber bands.

- 1732 It is probably true that the voting machine examined by the witness was susceptible of some restrictions by rubber bands, wedges, springs, clips, and so forth.

Witness thinks he could devise a restriction-proof key.

- 1734 "Q. Well now, would you reject that machine, or any voting machine because of what could be done by way of restrictive clips or rubber bands on the face of the machine? A. I should say it would influence me very much."

- 1735 It will be necessary in any voting machine mechanism to move a key to start the voting mechanism.

- 1736 Witness thinks the angle steel restriction in the independent voting slides is an objection to the machine.

Witness is asked whether he would reject the machine on that account, and says "It would be one of the points that should be considered very seriously."

- 1737 The judge who removes the pawl from the ratchet controlling the paper roller, breaks a law if he is manipulating the machine for fraudulent purposes.

Opening the rear door to do this would stop voting for the time being.

A vote on the paper roll at a primary election is identified by perforation in the roll.

- 1738 Fraudulent writing in name in the paper roll would show no perforation. It would deprive the honest voter from writing any names on the paper roll because the slack produced by the fraudulent vote would not be taken up.

- 1740 Witness thinks the judge could remove the pawl without being observed by others in the polling place in the morning.

- 1741 During the voting, to do this might require co-operation and acquiescence of everybody. The zero position of the primary device is provided to permit the use of the machine in general elections. For primary elections the zero can be locked out by an attachment hook inside the machine with a seal on it.

- 1742 The judges can open the middle door and break this seal.

A party watcher might not know that the machine was set at zero or what could be done when so set.

The observer has to be very close to the machine to see where the primary-lever is set, within one or two feet, probably.

- 1743 The primary-lever is about 3 1/2 to 4 inches long; the numbers are apart about 3/4 of an inch; maybe an inch.

The witness sees no objection to a longer lever constructed properly so that a voter could see where it was set.

In this machine a longer lever might protrude out too far.

- 1744 If properly set, the party-lever restricts the voter to the party of his choice. The party-lever may be moved by the judge up to the point when the voting-lever is moved by the voter.

- 1746 Witness thinks the voting machine should be fraud-proof and that although a fraud may be instantly detectable, it is still an objection to the machine.

1747 The restriction on proposition voting is somewhat similar to the restriction on primary voting, the judge being given an opportunity to restrict the proposition. There is a device for this purpose and it is operated by the judges.

1748 The protection against improper manipulation by the judges is watchers and persons in the polling place.

1749 The custodian can most easily place paper zeros on the counters but the judges could do it if they had the keys, though with more trouble, to set some candidates ahead and falsify the final count. This would require the judges' and custodian's key, and might be done in such

1750 a way during the night or in the morning as to deceive the other judge.

It could not be honestly done with the machine honestly adjusted and the custodian's key in the hands of the custodian unless that the judges had duplicate keys for making which he would have to have the original key.

1751 As a protection against paper zeros on counters, witness suggests the printing voting machine device.

Witness doubts very much if "rigid inspection by honest judges would discover the paper zeros."

1752 The judges and clerks might puncture them with a pointed instrument.

Witness has seen a sample ballot printed on a printing voting machine and does not think the device a crude one but did not notice all the figures on the ballot.

1755 Witness thinks it would be very difficult to put an obstruction on the printing type that could not be discovered when an impression was taken.

A dishonest judge might use some device to change the figures on a printing machine, an 8 to a zero, or a 9 to a six.

Witness thinks there should be about four prints taken off.

1757 If you have a party-bar on a machine of the Empire type it is necessary to have a party bar run through the whole length of the machine with points projecting to engage the counter mechanism opposite each name or each office line.

Cumulative voting would require the use of 12 office lines if a full set of three candidates were nominated; if two candidates, less space.

1758 It might be necessary to change the party-bar and the

engaging points with a change from year to year in the number of legislative candidates.

1759 These difficulties were considered in 1907 and 1909 by the experts.

1760 Witness was not present at the so-called "knoek fest," but read about it.

The difference between a party-key and a party-lever is well worth considering. Qualified men may differ as to the merit of the two.

"Q. I want to call your attention to question 2 on the questions prepared by the judge, that were used by Professor Breckenridge in 1907 and by you in 1908 under the head of 'Simplicity of Operation.' In voting a straight ticket you gave the American 100 and you gave the Columbia 100 and you gave the U. S. Standard 90, the U. S. Standard had a party-lever and the Columbia had a party-key; at that time you did not consider a party-key objectionable? A. Not necessarily, no."

1761 The party-lever always added to the difficulty in the matter of pounds' pull. Some machines had a pull of over 50 pounds. Witness did not measure the pull.

Witness has changed his mind somewhat since 1908 but has always favored a party-lever.

They may give a machine with a party-key the highest grading in his report of 1908.

Afternoon Session.

Wednesday, August 6, 1913.

1764 O. A. LEUTWILER, resumed the stand:

Further Cross-Examination by Mr. McEwen.

1765 In the case of the printing voting machine it might be possible for dishonest judges and clerks to put a strip of paper between the counters and the printing ribbon and prevent the taking of an impression and afterwards printing in with a rubber stamp a false record of the counters.

If the machine were properly designed the witness does not think that an impression of the Governor's vote could be transferred to that of Lieutenant-Governor or *vice versa*.

1766 The witness has seen an impression that he understood was taken from a printing machine on a paper ballot.

The substitution by a rubber stamp of a cipher for an 8 or a cipher for a 6 by making an erasure should be discoverable.

There are certain types of 6's which can be changed to zero, but probably a 6, as ordinarily constructed, could not be so changed. Witness thinks the same as to the figure 9.

1767 The Empire machine, when properly set, will work properly; otherwise not, and when the machine is set improperly it works precisely according to the false setting. If it is set for four votes for Representative you can only vote four, and so forth. Same is true of all lock-outs and grouping devices.

1768 As to the failure to repeat the name of a candidate for Representative on the machine at the Hotel La Salle and in the hearing room, and the leaving of a blank in the 1 and 1 1/2 vote columns, witness thinks the name should have been repeated. It is not a mechanical imperfection of the machine.

Witness thinks that the instructions from the Election Commissioners' office to the judges to count 3 votes for a man with 1 1/2 votes to his name and 1 1/2 votes voted in blank, might authorize the judges to count 3 votes for him; it would be a question of construction as to what the voter intended.

From the evidence of rust in the machine at the Hotel La Salle, the witness concludes that the Empire machine did not use exactly the right material.

1769 The strip running from the key to the restricting wedge was not covered with a protective coating. This was apparently an oversight.

The horizontal bar that contains the restricting spaces also has rough spots and irregularities here and there along its entire length.

1770 Witness did not see a rusty space about four or five inches long and 3/16 inch wide on top of the channel bar, only saw irregular spot. The rust spot matter was discussed between witness and Mr. Depuy and Mr. Olson,

1771 but did not count them. The rust spots are reddish brown in color with white along the edges and looks as if it was coming out of the coating.

Witness also saw another spot at the top of the machine on one of these levers.

1772 How long it would take such corrosion to "put the machine out of business" depends on what it is caused by.

The occurrence of spots causes witness to think that the material of the machine was not chosen properly.

Witness has had no time to examine the machine in the hearing room, but has noticed no signs of corrosion.

Witness never examined as good a machine as the Empire machine exhibited here this year.

1773 Witness has no objection to a party-lever.

1774 Witness does not know whether the key which will not vote when pulled down 9/32 of an inch and will when pulled down 11/32 will vote at 10/32.

Witness thinks the machine can be improved considerably by having a smooth front.

Witness does not think a voter who cannot read or write and needed instructions how to vote could vote in a minute.

It is as easy to defraud on the machine as the paper ballot if the officers are in collusion.

1775 Witness doubts whether or not a number of custodians from each party would prevent frauds on the machine, but that it would eliminate a good deal of fraud.

Witness thinks a fraudulent restricting device might be put on a key to permit it to go down 9/32 of an inch, and give the voter the impression he had voted when in fact he had not.

1776 It is a general truth that any machine designed by one man is susceptible by manipulation by another.

The instructions to voters for voting a split ticket to vote first for candidates outside of their party and then run their finger along the party row, were instructions that the experts had for the old machines.

1777 Witness has seen no instructions to voters for machines purchased by the Election Commissioners.

Witness received no instructions to voters for the machine at the Hotel LaSalle or the one at the hearing room.

Witness thinks if he were custodian and had sufficient time, he could produce any result he desired at the following election and could cheat 30,000 or 50,000 or any number of votes in the course of an election.

It would be possible to fill the General Assembly with
1778 Representatives from Cook County elected fraudulently, who would then pass upon the integrity of their own election.

In accomplishing what he has recited, the witness, as custodian, could fix the counters, pull out the pawl on the paper roll at the top, leave out restricting wedges, manipulate the legislative device, and in that way, with the number of machines required in Chicago, it would mount up very fast.

Witness thinks the paper zeros used to set some counters ahead and other counters back would be discovered in some instances. But "enough would pass to cause quite a disturbance."

The removal of restricting wedges to permit 6 votes to be cast for Representative might not be discovered by the first 10, 15 or 100 voters.

Even after the present investigation and the publicity given to it, the witness believes that the voting machine can be manipulated to a certain extent and change the result of an election within certain limits.

Witness thinks it possible that such a fraud might be perpetrated in a majority of the precincts in Chicago; though, possibly, the majority of the machines might not come to the election without being discovered.

By setting counters back of zero, a custodian can steal a number of votes from an individual candidate; sheriff, for instance; but with a machine properly set he cannot prevent a key pulled into voting position from registering a vote for such candidate. The counters register positively.

The general changing of the result of an election would depend upon the paper zeros and putting on restrictive clips on an individual candidate.

If the judges are instructed to look out for paper zeros the witness thinks they would discover them if all the judges did as instructed.

To perpetrate a fraud, witness would not alter the construction of the machine.

If the machine was set so as to permit 6 votes to be cast for Representative this could be done by voters in the party but it might not be designed to be known by the voters of all parties.

Knowledge by voters of one party that the machine was mis-set to permit 6 votes for Representative could be taken advantage of to favor wet candidates or dry candidates, or corporation measures or anything else.

With a thousand machines in use and each machine

mis-set a party could be defrauded of 50,000 votes in Cook County.

In order to detect the false zeros the judges would have to inspect with a sharp instrument 2,167 registers on each machine. Witness does not think a judge could do this between 5 and 6 o'clock in the morning.

- 1786 It would be possible to paint zeros over the face of the counters instead of using paper zeros and have plenty of time to remove them before the next election.

Witness states that in putting on paper zeros he curled them a little at the top so that in turning they would strike a small pin and be stripped to fall to the bottom of the machine.

- 1787 Zeros painted over the counters by the custodian would require a necessary time either to do the work alone or that the men with him were as dishonest as he.

- 1788 Aluminum zeros might be glued on over the face of the counters with metal cement.

- 1789 The paper zero used by witness was pasted over the counter with dextrine, a material similar to that used on postage stamps, and is stripped off before the counter makes a complete revolution.

Witness thinks the openings were too small to permit the paper zeros to be swept from the machine by a stiff brush.

A paper zero can be put on in such a way that it would adhere to the face of the counter all day and so cheat the fraud perpetrator out of 50 or 100 votes, but not if they were put on correctly.

In the fall of 1908 witness reported on the Empire, Triumph, Wilcox and Winslow voting machines. Witness cannot recall the details of this examination.

- 1791 Witness thinks that in that report he said of the Empire machine, something like "The general design of this machine is probably the best of any machine the writer examined." Witness thinks that is true now.

- 1792 Witness has never been judge or clerk of election, or challenger or watcher or candidate.

- 1793 Has never lived in Chicago and knows nothing of election conditions in Chicago except what he reads.

- 1794 Witness has heard that a judge who knows the voter of opposite politics might neglect to put the judge's initials on the ballot and so disfranchise him.

- 1795 Witness does not know about workers outside of poll-

ing places giving marked ballots to voters who voted, instead of the ballot given them by the judges, which they return to the worker, who pays them a dollar for every vote; has heard something of it.

1796 To examine every counter with a sharp instrument, the judges would have to examine $36 \frac{7}{60}$ counters per minute.

1798 Grading a machine at 100 does not mean it is perfect, but only that it is the best machine according to which the grades of other machines are fixed.

Witness gave a grade of 95% to a party-lever and 100% to a party-key machine because it is mechanically easier to press a key than to pull a lever.

"Q. But the key does not add the voting in the rear which the lever does? A. It adds for that particular vote but not for the split vote.

"Q. Yes. Referring to the part of the machine, the
1799 lower part, the key to which is kept by the custodian, and where the clips are stored and used, I will ask you whether those clips are separate or placed on a string or bar? A. The lower row of restricting clips are in units.

"Q. In units? A. Separate units.

"Q. Separate units? A. Yes.

"Q. Should they be otherwise? A. Why, in my mind they ought to be.

"Q. Why? A. Because the way that machine is now built it looks as if it is just built to manipulate by the custodian."

1800 Witness is shown the original notes of his examination of the Empire machine in 1909 and reads from the notes the number of the machine "Empire 3592." The machine was made by the Empire company at Rochester, New York.

1801 In all the witness' reports he advised the Election Commissioners not to purchase voting machines.

Witness knew of the people's voting in favor of the machine but did not find a machine adaptable to conditions here.

Witness understood that the people wanted a machine
1802 that would comply with the Illinois ballot law and advised the Election Commissioners that the machine did not comply with its requirements.

1803 Witness will not say that in his report of 1909 he stated in those words that the machine did not comply with the state law, but he found the machine defective.

1804 "Q. You seem to have said at one time 'The question immediately arises, why should not the voting machine continue to improve until the fraudulent manipulation mentioned in the foregoing sections of this report will be entirely eliminated. Until this is accomplished the Board of Election Commissioners of Chicago would be entirely justified in postponing the purchase of voting machines.' In the previous section you refer, as I take it, as applied to the Winslow voting machine, and you refer to some defects in the machine. Was not it in your mind in these reports that the possibilities of fraudulent manipulation, you thought were too great to justify the purchase of machines? A. Yes, sir.

"Q. You do not mean to tell us that you took the machine and put it alongside the statute, that is, tried it up with the statute and examined it as to each one of the requirements of the statutes? A. I do not understand the question.

"Q. I say, you did not test that machine with reference to the statute, did you? A. Well, in a general way I did."

1806 Witness knows of no lock the key of which cannot be imitated if you had the original key.

1808 "The CHAIRMAN. The record will show that counsel for the Committee called Mr. Keiper.

"Mr. McEWEN. Yes, and I will tender him as my witness."

FRANK KEIPER:

1809 *Direct Examination by Mr. McEwen.*

Lives at Rochester, New York. Is a patent attorney; 1810 was Assistant Examiner of Patents in the Patent Office from 1894 to 1899, the last two years was assigned to registering machines, principally voting machines.

1811 Witness left the Patent Office to be employed by the U. S. Voting Machine Company of Jamestown, New York, in 1899, and was with that company until 1910, when the company was merged into the U. S. Standard Company.

Witness was patent attorney for the latter company which was merged into the Empire Company in 1908 and has been patent attorney for the Empire Company ever since.

Witness is familiar with the different types of voting machines, through the study of all the patents which have been issued by the United States on voting machines. There are very few foreign patents on voting machines.

1812 Witness has written a number of voting machine laws and has looked after all of the general litigation in which the voting machine company has been interested and has contributed to the construction of the machine.

1813 Witness has also attended many places where voting machines have been installed and exhibited, and superintended their use in elections.

Witness is the inventor of the inter-lock on the Empire voting machine which is not used in any voting machine except the Empire and United States Standard, in which it has been used since 1903.

A plate on the Empire machine shows the number of patents which have been issued which are in use in that machine. These are owned by the Empire Machine Company.

1814 Witness has seen a number of machines which print a vote before and after election.

The idea is an old one, but nobody has ever made it work so that they wanted to try it a second time. It has never been used and stayed in use for more than one election.

Witness saw the International machine exhibited before the Chicago Election Board in November, 1907.

The counter wheels in this machine have raised figures on them.

1815 In the International the printing was done by an inked ribbon the full width of the counter frame and covered the 7-party rows, as witness' impression is.

A tally-sheet was placed over the ribbon and a roller or some device was fastened over the paper so as to force it down in contact with the ribbon so that an impression could be made upon the paper.

1816 A printed impression could be taken by inking, of course, on the counter-wheels and witness has the impression that the old Ellis machine was operated in that way. None of the Ellis machines was sold.

The objection to the copying ribbon method of printing is that there was no uniformity or reliability of its impression and a certain amount of skill was required in

taking the copy, which was beyond the skill of the average Election Board member.

Ink ribbons would have to be renewed every year or they would dry out and the impression would not be made or would be very irregular; also that dirt would accumulate in the raised figures, making the printing
1817 blur.

It was necessary also to take a separate impression of each row of keys instead of the whole face of the machine, because, in the latter case it would be certain that the roller would not make an impression of some of the counters because they did not line up evenly. Each counter has three wheels and if there is any variation in the counter-wheels there is a faint impression on one side and a heavy impression on the other, and in some cases no impression at all.

1818 Where there was a slight impression there would be an opportunity for change in figures which could be duplicated with an ordinary rubber stamp.

A blank could be made in the impression at any point desired by holding up the roller at that particular point. After taking an impression, if a single counter has not printed the work has all to be done over again.

1819 The International machine had a horizontal keyboard which was detached from the counter frame and the machine had to be turned over to get at the counters for printing purposes.

If the carbon paper is damp it will smear the paper. The old Davis voting machine, built in Rochester, in 1895, had a party-lever by the operation of which all the voting keys were thrown into voting position at a single stroke.

The Columbia, the United States, Standard and the Dean machine go to make the Empire voting machine.

1820 The Columbia operated with a party-key; the United States Standard with a party-lever; the Dean had a party-lever.

Witness just now thinks of but one advantage to a party-lever; that it throws all the keys to voting position at a single operation, and would take perhaps three or four seconds in voting a straight ticket on the individual key.

It would have some advantage, also, in voting a split ticket.

The relative advantages of party-levers and party-

keys were discussed before the Chicago Election Commissioners in 1907.

1821 The party-lever is especially objectionable in the State of Illinois because of the great size of the ticket on account of the great strain produced on the machine by moving all the keys in a single operation and the liability to strain the interlocking mechanism unless the machine is specially protected.

Witness describes how a voter could pull the party-lever and vote a straight ticket, throw back the key for Governor and vote the key for Governor in the next party row, and then pull the party-lever again throwing the whole leverage of the party-lever on the single key and on the interlock.

Under such circumstances, unless the interlocking devices in the machine were made very strong, there is a chance of breaking something.

Witness describes the mechanism of the U. S. Standard machine which had a party-lever, and "was built very heavy in those parts so that there would not be any danger of the party-lever injuring the parts inside the machine."

The party-lever necessitates additional parts in the machine and thus adds to its weight.

"A. Those are additional parts in the machine and contribute to the weight and complexity of the machine, I should not regard those as a very serious objection, but the most serious objection to the use of a party-lever in the Illinois voting machine arises on account of the
1823 cumulative voting, the party-lever must move all of the keys in the party line to a voting position at a single stroke, and you will observe from the setting of this machine with its cumulative voting attachment on it that it is impossible in the eight keys that are given up to the Representative candidates on any party-row to operate any more than two or three of them and the rest of them are locked; if you vote $1\frac{1}{2}$ votes each you can vote two keys, if you vote one vote each you can vote three keys, but that is all out of the eight keys for which the machine might be set. You could not have more than three or two according to the way in which you voted. The balance of the keys would remain locked, the fact that they must remain locked pulls the party locks so that they cannot be operated. To overcome that you

must make a special adjustment in the party lock for every election, you have to disconnect it, so to speak, the two keys, that is the keys outside of the straight ticket, for that party, from the party-lever. If the party has nominated two candidaes he will connect up two keys counting one and one-half votes each to the party-lever, and must disconnect all of the other keys belonging to that party from the party-lever. If the party has nominated three candidates then you must connect up to the party lever the three candidates that have been nominated by that party and disconnect all of the other keys in that party row from the party-lever, otherwise the party-lever will not operate. Now in the election last fall that cumulative vote came in one part of the machine and in the election two years from now it would occur in a different part of the machine so that the provision that was 1824 made on the party lever or party bars for that election would necessarily have to be different from what it would be for the next election. I understood that some judges are elected in this state at intervals of six years, is that the extreme?

Q. That is right. A. There are candidates for four and there are candidates for two, and that rotation of candidates keeps the sequence of candidates in the sequence of offices recurring in different arrangements, so that the arrangement that is made for the ticket in this year would not be susceptible for the ticket two years hence. I will say that the party bars that are used on the Empire machine, that are otherwise similar in construction to these, are bars that are cut just as I cut this strip of paper, it is a solid bar and its teeth are arranged on there. The bar runs from one end of that machine to the other, and it has teeth at intervals on the bar. It is possible to make a bar in which these teeth are detachable, but if they are detachable there is the danger they will work loose in the election and if they are removed for one election they may not get back for 1825 the next. It adds a complex proposition to the setting of the machine, and that I believe, would be more complex than anything else that has yet been discussed in connection with the preparation of these machines for elections. If these bars were to be used on Illinois machines, it would be my recommendation that the bars be removed from the machine in each election and that a

- special bar be inserted in each machine for each election, because I believe that would be the only safe way to do it. If a single one of these lugs or teeth were to get out of place during the election there would be proper cause for the criticism of the election or election machines in Illinois. What is more, if they are left off the bars we might hear from the last three experts, there would be that possibility of the custodian leaving one or more of them off designedly, these party bars could only be removed from the machine through a hole at the end of the case. If you will look at the case of that machine you will see near the bottom of it a cover plate, that plate covers a hole in the side of the machine through which the resetting bar was inserted after the machine had otherwise been finished, but that resetting bar could not be put into the machine until all of the interlocking devices and straps have been put in, then the resetting bar goes through the slot in the bottom of the machine, and then there must be a hole put in the side of the machine to get that bar in. If a party-lever machine was
- 1826 designed for the City of Chicago, I would say that a bar would have to be made especially for every election, which would have to be put in the machine that way and connected up with the party-lever and you would not know how to prepare those bars for the machine until after the nominations had been closed, and until, in fact, after all of the legal questions that might be incident to the printing of the ballot had been settled by the courts, and sometimes those details are delayed within, say, ten days of the election. The ballots cannot be given to the printer for printing until that late date, although the law may provide for nominations thirty days in advance of election. Still, these controversies arising over the nominations of candidates might come in, and in the last moment interfere with the preparation of the machine until the court has passed on those questions. Such a question might be very easily raised as to the legality of the nomination of the candidates for Assembly as to whether there were two or three nominated, especially when they are nominated by petition.
- 1827 The Empire company manufactured a machine with a party-lever, but Illinois is the only state that has cumulative voting which is the objection to building a voting machine with a party-lever for Illinois.

- 1828 Witness further describes the difficulties of constructing a voting machine with a party-lever adapted to meeting the variations in cumulative voting.

An authoritative statement as to where the cumulative ballot would have to be located on the voting machine was made to County Judge Rinaker in 1907 when the matter was discussed at great length.

- 1829 On the subject of limited number of inspections by the judges, the witness testified that the Empire Company owns the Dean patent on locks for limiting inspection but does not use them on the machines it manufactures.

Witness knows of no advantage to limited inspections.

- 1831 If all the judges are not at the polling place until after the hour of the beginning of the election you could not inspect the machine under a limited inspection system.

The Dean machine, which at first used the limited inspection lock, got rid of them very quickly on account of this sort of trouble.

- 1832 The locks used on the Empire machine are not made by the company, they are purchased.

The rubber band can be used more successfully on a party-lever than on a party-key machine, because the voter votes all the keys at once and is less apt to notice a restriction on one of them. In witness' opinion, the rubber band is not considered a practical method of fraud.

- 1833 The Columbia voting machine had a key which, when voted, made a complete revolution. The movement was partly the result of the impulse given to it by the voter and partly to an impulse communicated by the mechanism of the machine, which at the same time moved the keys not voted 60 or 80 or 90 degrees of a circle, and then back again to their original position.

- 1834 Witness does not think this design of voting key is better adapted to prevent the use of rubber bands than the Empire key. The voting key on the Empire machine has been made smaller and smoother for the convenience of the voter. The witness has never attached any great significance to restricting devices like wire clips, pins and rubbers.

Morning Session.
Thursday, August 7, 1913.

1837 FRANK KEIPER resumed the stand:

Further Direct Examination by Mr. McEwen.

1839 Witness has had considerable experience in the holding of elections with voting machines at Rochester, New York, at Middletown, New York, at Buffalo, New York, Cornellville, New York, San Jose, California, and Terre Haute, Indiana. Witness was never at South Bend, Indiana, for an election.

1840 Restricting devices which prevent action of the key have never been used at an election where the witness was present and had personal means of observation.

1841 Counters cannot be changed without taking a machine apart. They are standard decimal counters made by Veeder of Hartford.

1842 The Veeder counter is generally used; it was used by the Columbia and Dean machines, the Standard and United States Standard.

Witness cannot see any way of lightening a machine of the Empire type without sacrificing efficiency.

In the course of its development it has been substantially reduced in weight, and according to witness present knowledge of voting machines has reached about the limit of lightness.

1843 Other means than the power of the voter on a lever have been used to actuate the mechanism of voting machines.

1844 Air, electricity and liquids. These are not practical, because air, electricity and liquids are not positive in their action and are condemned for the same reason that operation by springs would be condemned.

The question how far a voting key should be moved in order to register a vote has been carefully considered by the witness.

The size of the key depends on the size of the machine.

1845 The size of the key on the Empire machine is determined by the size of the machine itself and has been made as small as the convenience of the voter, the printing of the ballot label and the dimensions of the interlocking mechanism will permit.

- 1846 "A. The channel that has been referred to is the channel in which the labels are held, this channel is made purposely deep so that it will lap the ballot labels in place; if the channel was not made purposely deep and was not provided with the locking mechanism in it, which is accommodated with that check, the ballot labels would not be locked, and they could be moved, under the label holder so that the label for judge, or for Governor, rather, might be moved down to the Secretary of State key, which, of course, would put the machine out of adjustment and would mislead the voter in voting. Now, the front of the machine is composed of a steel plate which is pierced with a number of holes in which the keys are pivoted, and the keys have heads in them which stand up from the keys proper, so that the key itself will swing free over that ballot label, and this, of course, leaves a space between the back of the key and the plate, that label holder or channel, as you speak of it, could not
- 1847 be made thinner and lie closer to the front plate of the machine without sacrificing the important advantage of locking the ballot labels in it, it could not be sunk in the front plate without greatly increasing the cost and difficulty of building the machine itself, and I don't think—wait a minute,—read the question again.

(Question read.)

"A.—I don't think they can be left off, and either preserve the efficiency of the machine or comply with the law; that is, it would not be practicable."

The Empire machines have all been manufactured at Jamestown, New York, as also were all the United States Standard machines.

If an Empire machine bore a name-plate with the words "Rochester, New York," it was because the offices of the company were located at Rochester, New York, up to 1910. They are now located at Jamestown.

- 1848 Witness is asked as to the adaptability of the Empire machine to primary elections in Chicago and as to the grouping of candidates and says,

"A. I think that 100 names can be carried in one group and probably more."

"Q. Do you think you could put on the number of names that were printed on a ballot in the 1912 primary, assuming that there were about 450 names. A. It depends on how those names were distributed among the parties. If you will let me see the items of the distribu-

tion of the names among the parties I will tell you, otherwise I will not. There was such a list here that I saw."

1849 The witness states the limitations of the machine as to use in primary elections,

"A. In a primary election, each party must have at least one party row and it must have as many more as are necessary to carry all of the candidates, that may be nominated. The small parties that will make few nominations would be accommodated with a single row each, other parties that make a large number of nominations would have to have two or more party rows, according to the number of nominations which they might make, and the number of nominations in a single office might determine the number of party rows that any one party might require. If the Republican Party had 44 nominations for the office of County Commissioner and four party lines were given to that party, then those 44 names would have to be put on 11 office rows and the 11 office lines grouped in one group and that would work on that machine all right.

"Q. Will you just explain what an office line is, as it has been used here? A. An office line is a single column of keys on the machine, there are 9 keys on an office line, plus the slide on top.

"Q. An office line includes all of the keys in that line? A. It does.

1850 "Q. If the ballot were too large for one machine, is there any way it could be spread on two machines? A. Why, each party could be put on a separate machine.

"Q. Each group of parties on each machine? A. Yes, the Republicans with several of the minor parties could be put on one machine and the Democrats with several minor parties on another machine, and both machines could be worked simultaneously by the different voters."

1854 The primary lock-out on the Empire machine could be arranged so as to be worked by the voter, the witness thinks the present construction affords sufficient protection against the judges' wrongful act.

They are as large as they need be for convenient operation and to make them easily visible to everybody; if made larger they might be broken off in handling.

Some parts connected with the paper roll mechanism could be changed without the custodian's key and some parts in the counter compartment could be changed without the custodian's key by breaking a seal.

1855 "Q. Well, what of them are protected by the key?

A. The setting of the counters and the setting of the grouping pins and the setting of the wings on the lock-out that is operated by the ticket key and the lock-out that is ordinarily called the 'woman's lock-out' and the lock-out for locking the unused party rows, those are all controlled by the custodian's key."

The primary lock-out is controlled by a seal. These seals bear evidence of whether they remain intact and are used by railroads all over the country.

1856 The Independent column can be locked if it is desired by wiring it from within.

If the interlocking straps of any two keys are wired together neither can be moved.

Witness saw the so-called rough spots on the Empire machine at the La Salle Hotel. They were at the interlocking channel at the bottom of the machine, and witness believes they were due to something that was done to the machine at the factory.

1857 They had the outline of something splashed on the machine and dropped and were too deep-seated to be of recent origin.

Witness inspected the counters on that machine with a pointed instrument. He timed himself and went over all the counter-wheels in a party-row in three minutes and six seconds. Tested each wheel separately. 213 wheels in all.

1858 That is about 1/10 of the machine. Later witness used a 3-pronged fork and tested three wheels simultaneously.—He made this inspection three or four times as fast as by the other method.

Witness does not regard paper zeros as a practical method of fraud.

1859 Witness produces the ordinary fork used, an ordinary oyster fork. It can be easily used with the prongs bent to fit so as to strike the centers exactly.

Witness has heard of other restrictive devices used during the present hearing on the machine, except the block pins.

The paper zero device is old and the criminal sections of the law especially provide for it.

Witness describes the mechanical movements in the mechanism of the machine which are caused by casting a straight ticket and a split ticket respectively.

1861 Witness has read the statute of the State of Illinois which specifies the requirements of the voting machine.

1862 Witness says that the Empire machine complies with all the requirements of the statute.

“Mr. McEWEN. Q. We have here a portion of the ballot of 1912 in the primary of that year; I was mistaken as to the number, the number is 594; the ballot of 1908 was the one I had in mind; that was considerable less in size. Taking the Democratic ballot, can you readily tell by looking at that how much of the machine that would take up?

(Witness examines the ballot handed him.)

The WITNESS. What is the question?

(Question read.)

A. I think it would take up six party rows on the machine.

Q. Have you counted the number of names on that ballot? A. There are 303 names, and place for one more.

Mr. McEWEN. That gives the Democratic Party over half of the ballot.

Q. Now, will you look at the Republican ballot for
1863 the same election and state how much space that would take. A. I will add to the preceding answer that I want to further consider this Democratic ballot carefully before I would want to say that it would not take seven; I believe from the calculation that I have already made that it would not take 7, that 6 would do, but I am quite sure that six would be needed.

The CHAIRMAN. For the Democratic ticket?

The WITNESS. Yes. If you want me to take the time I will see whether seven will be needed, but it will take more calculation.

Mr. McEWEN. I suggest that you not take any more time on that, but this noon you can check over your figures and if there is any correction to be made we can do it afterwards.

The WITNESS. What is the question?

(Question read.)

A. It would probably require three party rows, it might be put on two, but I doubt it.

The CHAIRMAN. Q. How many?

A. It will probably require three.

The CHAIRMAN. Q. Six for the Democratic, you say?

A. Yes. (Witness examines Republican ballot again.)
I will say positively it would require three.

Mr. McEWEN. Q. It will require three?

A. Yes.

Q. Will you step down this way, Mr. Keiper, and look at the Prohibition Party primary ballot of that primary; these are the official records; and say whether that would go on one party row. A. I think it would all go on one party row.

Q. Look at the Socialist Primary Ballot. A. I think it would all go on one party row.

1864 The CHAIRMAN. Q. There were only four parties were there, Judge, in that primary?

A. Four is all.

Senator LANDEE. There are six on the machine; were there only four at the primary instead of six?

Mr. McEWEN. There are only four apparently in the primary. Mr. Deneen, will there be any dispute that this contains the official record?

Mr. DENEEN. Well, I will admit that the Prohibition and Socialist parties nominated a full complement of officers and no more; a straight ticket, we will call it. The Progressives had no ticket, of course; what about the Socialist Labor?

Mr. McEWEN. They were by petition.

Mr. DENEEN. I think we will agree on that; we will look it up and if there is any difference we can correct it.

Mr. McEWEN. That is subject to correction.

Mr. DENEEN. I think that is right.

Mr. McEWEN. Q. Now, the sum total of your answers on these four parties is that it would require six for the Democratic, six party columns for the Democratic ticket, three for the Republican, one for the Prohibition and one for the Socialist?

A. That is true.

Q. Eleven party columns, that would require two machines? A. Eleven party rows.

Mr. McEWEN. Eleven party rows, I should say.

Q. Will you briefly state just how you make the computations say, for County Commissioner, take the largest group, take that Democratic group of 81 names. A. The computation cannot be made with reference to one group of the ticket; it must be made with reference to all of the groups on the ticket so that you will keep within the

number of office lines that are on the machine. The ticket has to be limited so it will not run over the 70 office lines, and that means that enough party rows have to be used so as to keep within that limit.

Q. Now, if you figure on using five party rows for the purpose of a Democratic Primary Ballot, you would—

Mr. DENEEN. Six you said, did you not?

Mr. McEWEN. Q. If you figure on five party rows the machine would have to have 75 office lines, which it does not have, and to come within the 70 office lines, which the machine does have, why you would have to use another party line just on account of that surplus of six.

A. Surplus of five office lines.

Q. Yes. A. Which would exceed the capacity of the machine, if you used but five party rows, and if the Democratic and Republican ballots are both put on the same machine, why the ballots must be figured together so that the same number of office rows that are given to the County Commissioners of the Democratic Party will answer for the candidates for County Commissioners on the Republican ticket in the number of party rows that are allotted to the Republican Party. Now, these ballots will work together on the same machine because the County Commissioners are only 14 in number and they would easily go within the 14 office lines, that would be allotted to the County Commissioners on the Democratic ticket, that is, in the Republican Party you would have three times 14 spaces for County Commissioners, which would be 42, and there was only 14 names to put in those spaces.

Representative JAYNE. Fourteen names on both tickets.

A. There is only 14 names on the Republican ticket for County Commissioner and 14 names on the Democratic ticket, and by reason of the aggregate you would have to make the Democratic party—you have to give up 42 keys, you have only 14 names to put on it.

Senator LANDEE. Would not it require another machine, or wouldn't you have to remodel the mechanism of the machine to group them? Every party lever that you lock out the party with now would have to be mechanically rearranged, the whole machine, or else you could not do it with your party lines that you have on the machine now?

"A. Yes—read the question.

(Question read.)

1868 "A. It would not have to be changed.

"Q. Have to be a new machine?

"Mr. McEWEN. The answer was that it would not.

"Senator LANDEE. Wouldn't it even in taking care of the Democratic and Republican party tickets—wouldn't the mechanism in the machine have to be rearranged and changed from what it is now intended and made for?

"A. Not a bit; as the machine is built it will carry those two ballots together.

"Q. It will carry them off your party line, key, but your lock-out device, the different devices, would have to be changed, wouldn't they? A. Not a particle.

"Q. If you gave six columns for one you would have to lift six columns to allow you to vote any one of those six columns? A. That is all provided and adjusted on the end of the machine for a vote.

"Q. Yes, you have the lock-outs from each bar? A. And you can group six of those bars so that they will all be released simultaneously, and those six party rows will be released simultaneously. The lockout is made in that way so that it can be changed by simply throwing these in and out, varying the conditions, so that the machine could be entered between those two parts. The first inside party rows would be given to the Democratic Party and would be released when the lever was set on position 1, and the three bottom party rows would be released when the lever was put on position 2.

Q. And still that would require a rearrangement of the machine? A. Why, just simply setting these parts, that is all that are to be set. I can make that change inside of half a minute, using what is regularly on the machine.

Q. Then you can group all the machine into one party if you wish? A. Oh, yes; yes, indeed.

Q. But how could you make the two Commissioners run them, Republican and Democratic on the same line and lock them out? A. They have to be on the same office line.

Mr. McEWEN. Q. Have to line up and down?

A. They have to be on the same office lines up and down.

Mr. DENEEN. Q. Vertical?

A. That is, the Democratic Commissioners have to be under the Republican Commissioners, or vice versa, or
1869 whichever would be the sequence on the machine, but that would be controlled by those different lock-out bars, so when operating on the one you could not operate on the other.

Representative JAYNE. I wonder if he means running the other way?

The WITNESS. One man on six lines in one group.

Q. How would you get 89 lines in one vote? A. By making the grouping big enough. It is simply a matter of correcting our grouping point. In this case you would have to use 14 office lines for that one group to accommodate the 81 names on the Democratic ticket.

Mr. McEWEN. The office lines being vertical and the party lines being horizontal?

A. And then you would cover all three keys there in that group.

The CHAIRMAN. That would be necessary.

A. Beg pardon.

Q. That would be necessary? A. Yes, sir; it would be necessary; you have to sacrifice some of the keys in order to get all of the group of one or the other on.

Q. How many names do you figure out on the two ballots, Republican and Democratic?

Mr. McEWEN. You did not give an answer on the Republican; you did on the Democratic but not the Republican.

1870 Senator LANDEE. I mean the total names on the ballot, on the two ballots.

A. 437.

Q. Your machine contains 700? A. Yes, sir.

Representative JONES. Let me ask you, you say it takes six rows for the Democratic ticket?

A. True.

Q. And six rows crosswise of the machine? A. Yes.

Q. In the event that the Democratic ticket, Primary ticket, was as large again as that, then what are you going to do? A. The Democratic ticket now has 303 keys.

Q. Suppose you had 606? A. It would still be in the capacity of the machine.

Q. What is the capacity of the machine? A. 700.

Q. Suppose you had a thousand names on the Dem-

ocratic ticket? A. Then a machine would have to be built.

Q. Then you have no assurance that vote would be a thousand? A. No. I have to read the law first before I answer that question intelligently, though.

Mr. DENEEN. May I ask you, the machine takes care of 630 names, only nine party keys?

A. That is right.

Q. 630 is the capacity of the machine as they call it.
1871 If there are 631, how are you going to get it on that machine? A. Get another machine, a bigger one. You can't get it on this machine.

Mr. McEWEN. That is, if you had 2,000 in a mixed primary, you would still have to get another machine.

A. True, but you could put half of the office on one machine and half on the other.

Q. So that the tickets could be accommodated in that way if you wanted to separate them.

Representative JAYNE. By voting on both machines?

A. Yes, voting on both machines; voting half of this ticket on one machine and half on the other.

Representative JONES. Do you think that complies with the law?

A. I have not seen any law regulating our voting machines in primary elections in this state.

Senator LANDEE. Do you think on those 407 Democratic names a man could pick out and vote them all in a minute on six lines, a man, I mean an average man, not an expert.

A. Will you read the question?

(Question read.)

A. I will have to count over something here again.

Mr. McEWEN. Is that an average Chicago man or an average State of Illinois man or an average U. S. man?

1872 Mr. DENEEN. Well, if he would use that machine he would be an average voter.

A. I don't know, he has got to move 58 keys.

Senator LANDEE. He would have to vote between 40 and 50 keys and he would have to pick them out.

Mr. DENEEN. 58 keys.

1873 Senator LANDEE. Q. I mean he would have to pick them out. Don't you think that would require an expert typewriter that had learned the keyboard first of the machine to get them all in that space of time?

A. My experience with primary elections is limited, I cannot recall that I have ever been in attendance on a primary election.

Mr. DENEEN. I was going to say that that answer was not responsive to Senator Landee's question, he asked him whether he could move 58 keys in a minute, he said his experience in primary laws is limited, the question is, could he move 58 in a minute. Read the question.

(Question read.)

Mr. McEWEN. And pick them out of six columns.

Mr. DENEEN. That is the question, in six rows.

Senator LANDEE. I asked this question because he mentioned the other day that the machine complied with the law, and in complying with the law said it must be voted in one minute, and if they cannot vote for these candidates, for all candidates in the six columns in one minute, then it does not fully comply with the law.

A. I have not seen any primary laws regulating voting machines.

Senator LANDEE. Q. No, but that would come in under the general election law.

Mr. McEWEN. That is a debatable proposition, probably, that question is raised here.

Senator LANDEE. That is all.

Representative JONES. Q. Now let me ask you, the intention of this machine is to use it in general elections and not to use it in primary elections?

A. It is the intention to use this machine, this machine is built so that it can be used in both kinds of elections.

Q. You think it would have to, do you, to comply with the Illinois law? A. I do not know, so far as I have been able to learn the Illinois Primary Law makes no special provision for the use of voting machines in primaries.

Q. Is it not a fact that it would be very difficult to build a machine that could be used in general elections and also in primaries? A. No.

Q. You bid on these specifications, did you not, under 1874 these specifications? A. I have not read the specifications.

The CHAIRMAN. You did not write them, did you?

A. I did not write the specifications and I do not recall having read them except in a casual way, and I have got no recollection as to what is in them.

Representative JONES. You realize that with the uncertainty as to the number of candidates that may be in a primary—you understand that that is unlimited, do you not?

1875 A. Yes.

Q. You realize that with that uncertainty that the probabilities are this machine would not be large enough to take care of one party? A. That is possible, I would not say probable.

Q. Well, it is possible, that is your answer? Then how can you under the law in Illinois permit a man to vote on two machines to vote one ticket? A. I do not know what the law is on that.

Q. Well, if it run over the capacity of this machine he would have to vote on two, would not he? A. He would have to vote on two, yes.

The CHAIRMAN. Did you say the other day in answer to Judge McEwen's question that you had written voting machine laws for various states?

A. Yes, sir.

Q. Did you write the law for Indiana? A. I helped write it.

Q. You did not write, then, the law for Illinois? A. No, sir, I had nothing to do with writing the law for Illinois.

Representative JONES. You have read the law from Illinois, have you not?

A. Yes, sir.

Q. I believe I understood you to say yesterday that you worked in the capacity of mechanical engineer and expert and an attorney? A. Yes, sir.

1876 Q. Well, now, would not your duties require that you be conversant with both of those subjects? A. Yes, sir.

Q. Will you be in a position to know what the primary law of Illinois is, what the law relative to elections of Illinois is? A. Yes, sir.

Q. You do know? A. I have read them.

Q. What is your conception then on this machine complying with the primary law of Illinois? A. I say that I cannot find that the primary law of Illinois makes any reference to the use of voting machines.

Q. Then it is a question in your mind whether they can be regularly used in the primaries? A. That is correct.

Senator JAYNE. Mr. Keiper, you say the last two years your time has been occupied in investigating voting machines and working on them, working on inventions as you have said in the beginning. Are there inventions enough to keep you busy on that?

A. No, that is a very small part of my work, I have not made any inventions for several years back.

Q. You have been writing on election laws then, have you? A. Not for several years back.

Q. Were you ever a lobbyist? A. Never.

1877 Q. In writing any of these voting machine laws, did you ever write the law so it would favor the Empire machine? A. Never.

Q. Didn't your company replace the machines in Rochester, N. Y., since these were purchased here? A. And got full price for the machines.

Q. And got full price for the machines? A. For the new machines.

Q. Why did you take out the old ones? A. Simply because the city wanted to buy the new ones.

Q. They didn't make any exchange then, they just put the other new machines in? A. Yes, sir.

Q. Do you know why the machine companies did not bid on the machines at South Bend, Ind., on June 24, 1911? A. Will you please read that question?

(Question read.)

A. That is my recollection, that they did bid on them, that is, others than the Empire Company.

Q. Is it not a fact that there were no companies bidding on the machines and that they had another letting, 1878 do you recall that? A. Well then I was not there at that time, I was there a couple of weeks later when the bids were made, on which I think the contract was let.

Q. Are you aware of the fact that the Winslow Company have sold out to the Triumph Company? A. Yes, sir, I so understand.

Q. Yes. A. Their patents have been assigned to the Empire Company, that is all I know about it.

Q. To the Triumph Company. A. Or to the Triumph Company, I mean.

Q. Really, that would only leave one competitor in the field for you, doesn't it? A. No, I would not say so.

Q. What other machines would you consider in the field as competitors? A. Why, the Triumph machine.

Q. The Triumph machine? A. Yes.

Q. That is the one you referred to? A. Yes.

1880 If the witness were judge of election and the machine got out of order he would call for another machine and stop voting in the meanwhile.

1881 It is possible on an Empire machine that a voter might not pull down a voting key sufficiently and so lose a vote.

1882 A sample ballot can be put on the Empire machine with paste instead of in the channels as at present.

The record is to be made by those who handle them of seals used by railroads.

The judges of election do not need to take any notice of any of the seals on voting the Empire machine except the seals on the protective counter.

1884 The witness has never seen paper zeros used at an election; has heard them discussed in the shops.

When the key is turned in locking the interlocking counters, the protective counter is advanced one number.

1886 Witness cites a number of frauds which can be committed on the ballot box election and which, in the opinion of the witness, cannot be committed, or are more difficult of commitment on the voting machine, as follows: The purchasing of votes and the miscounting of ballots. "I do not believe that votes can be purchased satisfactorily where the voting machines are used, because there is no evidence that the votes have been delivered and as for counting of the votes, that is taken out of the hands of the judges entirely, because the machine does the counting."

1887 "The only thing the judge has to do is to take off the details and add the separate tickets onto the split tickets for each candidate. He does not pass on the individual ballots."

Witness thinks this minimizes the possibilities of error and fraud.

Witness helped write the contract for the purchase of the Empire voting machines for the City of Chicago. He prepared it in co-operation with Mr. Wheelock and Mr. Herrick. He had no other connection with the voting machine matter in Chicago.

1888 Witness has only looked at the Illinois primary law within the past few days and cannot find any mention of voting machines in it.

Afternoon Session.
Thursday, August 7, 1913.

1896 FRANK KEIPER:

Direct Examination by Mr. McEwen Continued.

1898 Witness is temporarily withdrawn and gives place to a new witness.

THOMAS A. BOYER:

Direct Examination by Mr. Deneen.

Resides at 4458 Emerald avenue. Is Clerk of the Board of Review and a Representative in the General Assembly from the Fourth Senatorial District.

Witness knows Lloyd L. Duke of Ottumwa, Iowa. Witness thinks Duke is the City Attorney of Ottumwa.

1899 Witness talked with Duke on Decoration Day at Washington, Iowa, about 30 miles from Ottumwa.

1902 "Q. Will you state the conversation you had with Mr. Duke relating to the contract for the purchasing of these machines? A. After being introduced to Mr. Duke—

"The CHAIRMAN. Louder, Tom.

"The WITNESS. After being introduced to Mr. Duke, as a Representative of the Illinois General Assembly, he made the remark that he had wanted to talk to somebody that was acquainted there, and asked me if I knew of the chairman, or if I knew Mr. Butts, and I told him I was quite well acquainted with him, with the gentleman, and he said: 'I am interested in this investigation, that I hear is started.' He said, 'I am attorney for three Ottumwa men who have a claim for \$1,500 against the Empire Voting Machine Company,' and he says, 'I am trying to collect it.' He says, 'I believe I can collect it, maybe, through a little publicity,' and he went—he made a statement that these three men had come to his office and had talked to him and he had taken down a statement—

Q. What were the names of the men? A. John W. Gray, I believe, ex-Chief of Police.

Q. Of Ottumwa? A. And Thomas Piekler, ex-Mayor of Ottumwa, and a man named Newton Arrison.

Q. Was he former City Clerk of Ottumwa? A. I don't know that he mentioned that.

Q. He resided in Ottumwa? A. He resided in Ottumwa.

Q. Mr. Duke had taken down a statement that they had given to him? A. Yes.

Q. And submitted it to anybody? A. Yes, sir; submitted it to Charles Walsh, of Ottumwa, employed here in Chicago on the Examiner or the American, I don't
1903 know which, or as he explained it, he was employed by Andy Lawrence.

Q. Did Mr. Duke give you the papers to which you refer? A. He did.

Q. You may glance at this and see if those are the papers. A. These are the papers.

Q. I will read them and then ask some questions.

Mr. McEWEN. I think we ought to see these papers before they are read.

Mr. DENEEN. You may look at them.

(Papers handed counsel.)

1904 Mr. McEWEN. I object to the use of that statement, it is not signed, its authenticity depends on hearsay, it is something created in the State of Iowa by something apparently of which we are informed is a matter of hearsay. His purpose was to give publicity and by making some effort, making it disagreeable to collect some money, its purpose, as stated by the witness, as a matter of hearsay, showing that feature of a shakedown. It is hearsay and has nothing authentic, nothing whatever; if evidence such as that was admitted in the courts of this land, half the men in public life could be ruined by the talk in the saloons on Clark street, the saloons on Madison street, the talks across the corner of the bar, about this fellow or that fellow and his public and private life would not be worth a straw, if such evidence as that, such trash as that could be taken as a basis for action; if there is anybody believes that the Legislature of the State of Illinois would stultify itself by looking upon such unauthentic document as that, hearsay, drafted out in the State of Iowa, and if the prosecutor here cannot produce better and closer evidence than that in the matter of fraud and in the matter of corruption, I think that he might better confess that he had failed upon that line and cease the pursuit of it. I object to its use, if the

commission permits such evidence as that I can suggest better lawyers for the defense of this case than myself, 1905 men who will pile the table full of similar statements, hearsay and trash, by way of defense or attacks on anybody.

Representative KASSERMAN. Before this ruling is made I would like to have my individual protest entered.

The CHAIRMAN. The record may show the individual protest of Representative Kasserman.

Representative GARESCHÉ. I would like my protest entered in the record against it on these grounds: in the first place, it is not competent evidence, and if we are going to pursue this investigation along the lines of the customary rules of evidence this would not be admitted; and, in the second place, we are not sitting as a grand jury to indict. If we were, this would be competent evidence, but it would be considered behind closed doors. I therefore enter my protest.

The CHAIRMAN. The Commission are of the opinion that the ruling on that ought to be suspended at this time and be reserved by the counsel and not attempt to admit it at the present time. The witness may, however, proceed on the examination.

Mr. DENEEN. Very well. Will you read the last question—the second to the last question. Did he then submit these papers? —shall I identify them or shall I stop it entirely?

The CHAIRMAN. You can identify them, there is no objection to it. You can identify the paper, but don't introduce it into the record.

Mr. DENEEN. Q. Has he submitted to you any papers in reference to the conversation of Newton Arrison and Mr. John W. Gray and Thomas Pickler?

A. He submitted this paper and said that the three men had come to his office and sat down and dictated that statement to him, which he picked off on his typewriter himself; he said that he did not call for his stenographer, did not use his stenographer, he took it from them himself.

Q. You received this from Mr. Duke? A. I received that from Mr. Duke.

Q. To whom did you give it? A. I believe I brought it to you.

1906 Q. Yes, to whom did you make a statement of this

conversation with Mr. Duke after you had heard him talk about this? A. I mean, I believe first to Mr. Butts.

Q. Where and when? A. At Springfield, I believe, on the floor of the House one day.

Q. During the session of the General Assembly? A. During a session of the General Assembly.

Q. Did you talk to anybody else about it, any member of the Legislature? A. I met one member of the Legislature and mentioned to him that I had something for Mr. Butts' committee, that was Mr. Shannahan, I believe.

Q. David Shannahan? A. David Shannahan.

Q. Did you afterwards talk to me about it? A. I talked with you about it.

Q. After talking with me did you visit Ottumwa, Iowa? A. I did.

Q. Did you call on Mr. Duke? A. I called on Mr. Duke.

Q. It was in reference to what? A. It was in reference to inducing him to come to Chicago to see you.

Q. To see me? A. Yes, sir.

Q. Do you know whether or not he came afterwards, of your own personal knowledge? A. Mr. Duke said that he had lost interest in the case, that the Empire Voting Machine Company had given his clients a contract for \$1,000 to be paid when this matter was settled, or when so much was paid on these machines, and they were satisfied? He did not care to go any further with it. He did not care to be known further in it, but I asked him to come to Chicago.

Q. Did you see him in Chicago later? A. No, sir.

Q. Did you again go to Ottumwa, Iowa? A. I did.

Q. At whose request? A. At your request.

Q. Did you see Mr. Duke? A. I did.

Q. In reference to this matter? A. Yes.

Q. What was your conversation relating to it? A. I asked him again to come to Chicago, to see you and talk to you, and he said that he would, if you would send him a telegram, and I came back, and as I remember, told you, and you sent the telegram, but he did not come.

Q. He did not come? A. No, sir.

Q. You have not seen him since, have you? A. No, sir; I have not seen him since.

1908 Witness did not go to Iowa to get the written state-

ment prepared by Duke, but to visit his father on Decoration Day.

The paper is offered in evidence, but for the present the Commission rules that the paper be not admitted in evidence.

1920 Witness lives in the 30th Ward, Chicago. Has known Mr. Deneen from 20 to 25 years and is a Republican. Has been Deputy Clerk in the Criminal Court and worked in the Recorder's Office, in the Circuit Court, in the County Treasurer's office and in the Board of Review.

1921 Witness had not known Duke before Decoration Day, when he was introduced to him by his (witness') cousin, Dr. Boyer of Ottumwa.

1922 Witness' visit with Duke occurred on the porch of witness' father's house in Washington.

Witness' father, mother and cousin were sitting on the porch, but witness does not think they heard the conversation between himself and Duke.

1923 Witness made two trips, at the suggestion of Mr. Deneen, to Ottumwa. Told Mr. Shanahan upon an accidental meeting, and told Mr. Butts purposely about this and was called in by Mr. Deneen to ask him to tell all he knew, which he did.

1924 Witness had not tried to get on the Committee's payroll as an investigator. His expenses to Ottumwa have not been paid, but witness expects they will be.

The witness told Mr. Butts, at the first session after Decoration Day, probably June 2d or 3d, and told Mr. Deneen two or three weeks ago, who told witness that Mr. Butts had given him, Mr. Deneen, information regarding the Duke statement.

It is suggested by counsel that the Chairman identify the Duke statement by his initials.

1927 J. P. TOWNSEND:

Direct Examination by Mr. Deneen.

Resides at 976 Edgecomb place, Chicago. Witness is hotel manager at Grand Pacific Hotel. The hotel has books of record, which show that N. L. Arrison of Ottumwa, Iowa, was at the hotel January 11, 1911.

1928 He had a room which was charged to H. W. Barr. Witness knows Mr. Barr, who had been at the hotel from

time to time. Mr. Barr is agent for the Empire Voting Machine Company.

Cross-Examination by Mr. McEwen.

Witness does not know Mr. Arrison. Can only say that the records show that the hotel had a party by that name January 11, 1911.

Witness Frank Keiper resumes the stand.

1931 FRANK KEIPER:

Examination by Senator Landee.

Witness Keiper drafted a number of the voting machine laws passed in some of the states. He did this, not at the request of the legislatures, but at the request of the Empire Company.

A member of one of the legislatures went to witness, and suggested that a voting machine law could be passed for money.

He, witness, did not listen to the suggestion.

1932 Witness told the other voting machine men about it, but it did not come to the ears of the General Assembly.

1933 Witness supposes that the Veeder meter wheels cost from 15 to 20 cents for the set of 6 pieces, bought by wholesale.

1935 The counters are bought from the Veeder Meter Company, by the Empire Voting Machine Company. Do not pay royalties.

1938 The office of the Empire Voting Machine Company was at Rochester until 1910 when it was moved to Jamestown where the manufactory has always been.

1939 Witness has known 300 votes to be cast in 3 hours and does not think the judges would have time to look at the counters during voting with a machine that had no limit to the number of inspections.

Witness has only an indefinite recollection of the number of drawings of the voting machine contract by himself, Wheelock and Mr. Herrick. It was drawn sometime in June or July.

1940 Thinks the consideration of the contract came after the drawing of the resolutions to award the contract for

the purchase of voting machines passed by the Election Commissioners on June 30th.

Witness is quite sure experimental work is done at the voting machine factory without blueprints.

- 1941 Drawings are made from the machine, not the machine from the drawings. Drawings are made only for the purposes of record.

The seal on the voting-lever provides a double protection. The seal should be broken by the first voter in pulling the voting-lever.

Witness thinks it is the practice of judges to place a seal on the voting-lever at night after the count.

- 1942 Breaking the seal would open the machine to possibilities of fraud; as long as the seal remained intact, witness would say the machine had not been tampered with.

Cross-Examination by Mr. Deneen.

Witness did not regard the machines as quite as effective for evidence as to the count after the seals were broken as before. Does not know that a large number of seals were returned broken to the Pugh Warehouse after the election.

Witness has been with the Empire company ever since it was organized in 1908.

- 1943 Its predecessor was the U. S. Standard with which witness became connected when it was organized in 1901.

Witness is not a stockholder in the Empire Company, but is patent attorney for the company.

Witness is not attorney for the Board of Directors, or for the officials, the president.

He takes his directions from the manager of the company, Mr. Lausterer, who lives at Jamestown, while Witness lives at Rochester, 140 miles distant.

- 1944 Witness does not know the names of the stockholders of the Empire Company and only knows any on hearsay.

- 1945 Witness has heard of who are the stockholders; has heard that Adam Andrew of San Francisco and John

- 1946 Cochran of Indianapolis are stockholders.

Witness does not know whether Williams of Oakland or San Francisco, California is a stockholder.

John Condon of Chicago was a stockholder at one time, but witness does not think he is at present. Four

or five years ago witness knew Condon was because "it was at that time he told me he was interested in the Federal Company."

"Q. What company? A. The Federal Company.

"Q. The Dean company? A. The Dean company."

Witness recalls Mr. Christenson of Indianapolis, the inventor of the Columbia machine, as a stockholder.

1947 The stockholders of the United States Standard never received any stock of the Empire Voting Machine Company.

U. S. Standard sold its assets to the Empire Company for stock, but it has never been dissolved. The U. S. Standard Company owes some stock to the Empire Company. The U. S. Standard Company has no business except the ownership of the stock.

The consolidation of the United States Standard Company with the Empire occurred in 1908.

The only original feature of the Columbia machine was the cumulative lock-out. The present lock-out is an improvement on that original.

1948 From the Dean machine the Empire Company took the present counters, which is an improvement of them on the Dean machine. Securing the Dean counter was not a feature of the consolidation of companies.

The machines combined were the Dean, Columbia, and the United States Standard. The Empire Company took nearly everything from the United States Standard.

1949 Witness knew nothing about the organization of the Empire Voting Machine Company; he was in the Battle Creek Sanitarium five weeks in July and December, and it occurred during that time.

The consolidation of companies was not made to get the political influence in order to sell machines; it was made because the companies were hard up and wanted to cut down expenses.

1950 Aside from this, witness does not know the time or purpose of the consolidation.

The fact that the Empire Company holds the Dean and Columbia patents gives the Empire Company a wider scope in building and experimenting. The company does not use these patents but it builds better machines.

Witness knows Mr. H. W. Barr.

1951 Witness thinks that Mr. Barr was at witness' house

shortly after witness was operated on at Rochester about 3 weeks ago.

Witness supposes Mr. Barr is with the Empire Company. Witness does not know whether Mr. Barr was in Chicago when the contract was drawn or not. Witness does not know any other Mr. Barr. Mr. Barr didn't talk with witness about coming here as a witness.

1952 Mr. Barr didn't say he had received a telegram or letter from the chairman of the committee.

"Q. Did he talk about a contract that he had made, entered into between himself and Mr. Thomas Pickler, formerly of Ottumwa, Iowa, and Mr. Newt. Arrison of Ottumwa, Iowa, and Mr. J. H. Gray of Ottumwa, Iowa, regarding the payment by the Empire Voting Machine Company or himself for \$1,000 after the next payment of the City of Chicago was made upon the contract between the Empire Company and the City of Chicago? A. No, sir.

"Q. Was that referred to? A. No, sir.

"Q. Do you know anything about that contract? A. Never heard of it until to-day.

"Q. Do you know Mr. Lomb? A. I do.

"Q. Did you have anything to do with him professionally with reference to the Empire Company? A. I do.

"Q. He is the president of your company? A. Yes.

"Q. Have you talked with him about the contract to which I made reference, made the 13th of May, 1913, for \$1,000 between the parties to whom I have referred? A. No.

"Q. Who is the man Lausterer, is that the gentleman? A. Yes.

"Q. Have you talked with Mr. Lausterer regarding that contract? A. No, sir."

1953 Witness has not discussed with Mr. Lomb the subject of Lomb's coming to Chicago to testify before the Committee or with the officials or employees of the company, the question of their coming to Chicago.

1954 Witness has heard here that Mr. Barr is at Paw Paw, Michigan. Witness did not know Mr. Barr owned a residence in Chicago up to July.1st. Knew that he had an apartment here temporarily.

Witness did not try to telephone Mr. Barr since coming to Chicago. Witness helped draw up the contract.

1955 Witness helped Mr. Wheelock and Mr. Herrick to draw the contract.

Witness didn't see any specifications at that time and they were not discussed by the other gentlemen with witness.

1956 Witness thinks that the paragraph of the contract providing that the specifications be attached and marked Exhibit A was in the original draft drawn by Wheelock, and was left in finally. Does not know why it was "attached to" instead of being "made a part hereof." Believes that was the usual form of all contracts made by the company.

1957 Witness has never looked at the specifications in this connection.

Witness read the primary election law of Illinois only within the past few days. Did not read it in connection with the contract. Witness has read only parts of the Illinois Election Law.

Witness read the voting machine law and the law authorizing the Election Commissioners to act.

1958 The voting machine law is part of the election law as witness read them.

The witness has read the Illinois Constitution as to cumulative voting. He gets his information as to independent voting and women voting from the sample ballot.

1960 Witness did not read anything about the County Commissioners or Sanitary District Trustees or Municipal Court judges. His information regarding this was from the sample ballot.

1961 Blue prints would be quite desirable for studying the hidden parts of a machine such as we have here, also photographs and instructions.

1962 Witness never represented the Empire Company before the Chicago Election Commissioners. Was engaged in the preparation of the contract "only a couple of days." Was in consultation with the lawyers who prepared the contract, probably a week or two. Spent most of the time in the law library here looking up decisions so as to discuss questions intelligently with the lawyers.

Witness thinks this work began before the 4th of July. Was interrupted several times and extended to a considerable time afterwards.

1963 Witness' time then was divided between Chicago and

South Bend where there was some competition, and witness went there to see what was going on.

Mr. Wheelock made the draft of the contract and witness made a copy on which he made a great many notes and exceptions. Wheelock had this job before witness came to Chicago.

1964 The Empire Company removed to Jamestown in December, 1909.

“Q. After you removed your office to Jamestown, do you know the serial number that was placed on your machines thereafter; in other words, didn't you begin with 4000, at 4000? A. No, sir, I think it ran consecutively with the machines that had been made by the United States Standard Company.”

Witness thinks the South Bend contract was awarded after the Chicago contract.

Witness does not know about the time of delivery of the South Bend machines. If they were delivered after the Chicago machines, the serial number would be higher.

The printing device on the International machine is not practical in use.

1965 Mistakes may be made in printing; machine does not furnish an absolute check on the custodian.

1966 As a check on the Empire, the judges might photograph the counters. Witness thinks this could be done in every precinct in Chicago. There are dozens of photographers in every precinct. Photographs could be made of the registers 3/16 of an inch wide; witness has taken them repeatedly.

1967 The printing device is intended as a check upon the custodian. The International's advertising matter calls attention to the quick press returns that can be taken from a printing machine. The morning print would probably just be a check on the custodian.

Witness does not think that a complete record would be printed from the face of the International machine.

1968 The Empire Company does not issue instructions to judges to take photographs.

1969 The Empire Voting Machine Company's machine can be voted when the upper and rear doors are open.

Witness states that the voting machine has two advantages over the Australian ballot; one in reference to purchasing votes, the other in reference to counting.

- 1970 On the Empire machine the judges read the ballots and add them up. The witness thinks it more difficult for the judges to miscount on the machine than under the Australian ballot system.
- 1971 With a lever machine the machine itself would do the writing, cutting out the addition and so far eliminating the human element.
- 1973 With 6 party tickets and five candidates running independently for Governor it would require the use of two vertical columns for Governor.
- 1976 Mr. Deneen called attention to the fact that witness has been handed a town of Cicero ballot having 14 candidates for County Commissioner, instead of a Chicago ballot with 46 candidates for County Commissioner.
- Forty-six candidates would require the use of 16 columns on the machine, or 67 office lines, and there are 40 office lines on the machine. This would accommodate the entire Chicago ballot.

VOLUME XX.

Morning Session.
Friday, August 8, 1913.

- 1978 FRANK KEIPER resumes stand:

Cross-Examination (Cont'd) by Mr. Deneen.

- 1979 The witness is asked as to the price of the various Empire voting machines. Witness testifies that the Empire Company has a price-list of voting machines it manufactures of various sizes which are priced according to size and to the various attachments, such as primary lock-outs, cumulative voting lock-outs, etc.
- (The question was asked by Mr. McEwen and is objected to by Mr. Deneen on the ground that the witness disqualified himself from giving testimony on the subject of the price, as his relations were solely with Mr. Lausterer, the manufacturing manager. The objection is sustained.)
- Mr. McEwen then offers to prove that the prices of the Empire are standard, ranging from \$600 up.
- (The objection is sustained by the Committee.)

1982 The witness does not remember any additional names of stockholders. Witness knows only two officers of the company, Mr. Carl F. Lomb and Philip H. Yawman, both of Rochester.

1983 Mr. Lomb is president, Mr. Lausterer is the manager. When Mr. Barr had his conversation in Rochester with witness, he had no business in Rochester, so far as the witness knows.

1984 Witness does not recall having talked with Mr. Barr in any way about the contract.

Mr. Barr was in Chicago before the time when the witness was here, but witness does not recall seeing him just at the time the contract was drawn.

Witness didn't talk with Mr. Barr about the sale to Chicago of so many machines. The Chicago sale is the largest the Empire Company ever made. Mr. Barr made the sale.

When Mr. Barr saw witness in Rochester three weeks ago, they did not talk about this investigation, nor about Mr. Charles Walsh of Ottumwa, or Thomas Pickler, Newton Arrison, or J. H. Gray. "Neither of them, individually or collectively."

1985 Nothing concerning the matters that have come up in this hearing was mentioned.

Witness has not seen Mr. Barr since and does not know where he is now.

Mr. Lomb did not consult with witness about coming before the Committee, nor did any of the other officials.

Witness knows of no lawyer from the east, beside himself here at the time the contract was made.

1986 In his conversation with the witness, Mr. Barr did not say where he would be during the summer.

Witness saw the ballot printed by the International machine in November, 1897; some of the counters were clearly printed and some were not, and on some of the counters there were figures totally missing. It was a very poor print. Witness would say it was too poor to serve as a check on the custodian.

Witness examines the paper which he states was such a ballot as he saw taken from the International machine seven or eight years ago. A ballot such as this in which the impression was taken before the machine was sent to the polls and impressions just before the voting began and three others to be sent to different officials would,

in the witness' opinion constitute no adequate check upon the custodian.

The counters on the machine are negative, which, the witness says, is most favorable for printing.

- 1989 Witness states that on the ticket he is inspecting that three naughts for Adam Wolff are almost illegible, one naught for William McAllister cannot be seen at all; that in the hundred column the naught for William Brady is duplicated or shaded showing a double impression for that candidate.

- Witness points out other names on the machine where he says the machine has registered illegibly. So that,
1990 witness says, it cannot be determined whether certain figures are naughts or nines. Witness describes other uncertainties of the figures printed by the International machine on the sample ballot.

- 1991 If the witness were a judge of election he would not use this ballot sheet, sample ballot, as a return, because of its inaccuracies, and would take the count directly from the machine. This would be difficult for anybody but a printer because the counters are negative.

- 1992-3 Witness points out other figures which he deems uncertain or inaccurate.

- 1994 The witness has marked the sample ballot with red pencil indicating where he thinks it erroneously printed or faultily printed or poorly printed.

Mr. Deneen introduces the sample ballot in evidence.

The witness testifies that in several places the ballot showed units instead of zeros at the opening of the election at six o'clock.

- 1995 "Mr. PETRIE. There are two places there, in one column and another; that shows the check on the non-resetting of the registers."

- 1996 There have been about 800 voting machines invented and the work still goes on upon other inventions.

Three sample ballots are introduced, one of which was marked by witness, the others are marked for identification 1, 2 and 3, of this date, that is August 8th.

Concerning the merger of companies into the Empire Company the witness does not know that the owners of the Dean or Federal Company were known to be gamblers and the Dean Company was not taken into the Empire because of its large influence in selling machines.

- 1998 Mr. McEwen produces the book from the Election Com-

missioners' office marked "Specimen Ballot Primary Election, Tuesday, April 9, 1912, of the City of Chicago."

1999 Witness is handed the Republican ballot and says there are 46 candidates for County Commissioners.

The Republican primary ballot is introduced, marked "Exhibit 4, August 8th."

The Republican primary ballots would require more than three office rows on the Empire machine. Without stopping to count, the witness thinks four would be sufficient.

2000 The primary election device is controlled by the judges. It is a little instrument with a knob about four inches long.

When operated by the judge it cannot be seen by the voter who is inside the booth. Witness thinks that anybody in the polling place near that end of the machine who knew about the lever could certainly see it.

2001 If the restricting mechanism has been removed from the primary voting device the judge could set the lever so as to permit the voter to vote in all the parties or in any party-column but not more than the maximum number of votes allowed for an office.

If a restriction device to prevent or interfere with voting were placed on a voting machine, the judge would have to send for somebody to fix it.

2002 The witness thinks that the double appearance of some of the figures printed on the International machine on the sample ballot indicates that the printing roller has been passed over the figures at least twice.

Witness' answer that if paper or blotter could be inserted between the ballot and the printing device on the International machine so as to prevent the printing and permit the subsequent printing in of ciphers applies to the machine which printed the sample ballots introduced in evidence. With collusion between the parties handling such a machine, the sample ballot could be made an instrument of fraud rather than a preventative.

2003 It would be possible to keep any particular counter or group of counters from printing and afterwards point in any figures desired by use of a rubber stamp.

Steel type is readily procurable in the market.

Witness does not agree that a paper zero placed on the Empire machine will be swept off by the mechanism as the counter moves around.

2004 It might escape being swept off by the counter pinion and keep on rotating with the counter wheel. If attached with dextrine it would remain on.

The space between the pin that carries the transfer pinion is very substantial as compared with even the thickness or even the turned-up edge of a piece of paper.

Witness did not observe the experiment with paper zeros upon the machine in the hearing room or whether they came off the machine in the experiment, and does not know by actual experience whether they would come off.

2006 If the judges tampered with the International machine in printing upon sample ballots it might be detected by comparison with the custodian's sample ballot filed in the Election Commissioners' office. It would show a disagreement or lead to an investigation and indicate whatever the investigation showed.

2007 The Empire machine furnishes no protection against manipulation of the counters by the custodian except the inspection by the judges and if they did not discover the manipulation it furnishes no protection whatever.

2008 If the judges remove the pawl on the independent paper roll and the voter votes more than once for independent candidates the fact would be indicated on the Empire machine by the absence of the punch marks for some of the votes cast.

2010 If the voting lever were set at zero and the voter voted at a primary election for candidates outside of his own party, it could not be discovered by any evidence on the Empire machine except by an inspection of the lever during the casting of the votes and the possibility that they might find that there had been more votes cast for candidates than the poll list shows.

When the machine is in proper order for primary voting the zero should be locked out.

2012 Witness thinks that an 8 by 10 photograph can be taken of the back of the machine showing all the counters. Witness has taken photographs of the back of the machine and the figures show up so clearly that witness thinks it would be very much less trouble discovering errors than on the sample ballot printed on the International machine.

2013 The election could be carried on with the door concealing the counters open and the judge could discover how a man voted by going back of the machine and making a

complete transcript of the counters before the next voter voted. Without seeing all the counters a judge could see how a voter voted for any one ticket or what ticket was voted.

2014 Witness does not know the number of directors on the Board of Directors of the Empire Voting Machine Company. Witness thinks he was informed at some time that there are seven.

Witness thinks that under the New York law the directors of corporations must be stockholders.

2015 Witness has never seen a list of the stockholders of the Empire Company.

Witness never had anything to do with drafting voting machine laws in connection with the Empire Company. That was in connection with the United States Standard Company. Witness thinks the United States Standard Company had six directors and he knew some of them.

2016 The resolution under which the Committee is acting directs the Committee to find out who the stockholders of the Empire Voting Machine Company are.

2017 Witness can find out who the stockholders are with the consent of the directors or the secretary of the company.

Witness' check for services was always signed by Mr. Lausterer, the manager of the company.

2018 It is signed "The Empire Voting Machine Company by W. J. Lansterer," there is no counter signature.

2019 Witness gives as an estimate of the factory cost of the manufacture of the Empire Voting Machine somewhere between \$400 and \$500, to which would be added the overhead charges. Witness does not know what these would figure at.

2020 At the request of Mr. McEwen the witness prints three or four sample ciphers on the margin of the one of the sample ballots printed by the International Voting machine.

"Mr. McEWEN. Q. Printing five sets of ciphers three each on the margin. Is that the sort of steel type or metal type that you had in mind when you said they could be readily procured in a large city? A. Yes, sir. Why, those numbering stamps can be bought usually in any stationery store."

Witness does not know to what Mr. Lomb testified before the grand jury as to the cost of manufacturing the Empire voting machine.

2021 Witness has talked with Mr. Lomb at Rochester since Lomb testified before the grand jury. Mr. Lomb was very glad to go before the grand jury.

Mr. Barr did not say anything to witness about his testifying before the grand jury.

Mr. Lausterer asked witness to come before the present investigating committee. Lausterer did this about two or three hours before witness left Rochester.

2022 Witness has been sick and was reluctant to come.

"Mr. McEWEN. I am informed, Mr. Chairman, that Mr. Keiper states that he is very sure that Dun and Bradstreet will get the number and names of the directors; he says he hasn't any recollection on the subject and also says the Secretary of State could readily furnish that information,—the Secretary of State of New York,—but that he has not got it, does not know the original stockholders in the organization.

"The WITNESS. Not excepting they were incorporated."

2025 Witness casts an experimental vote on the machine, writing in two electors' names and voting on public questions.

"Mr. McEWEN. I timed it 55 seconds up to the writing in of the names, and one minute and sixteen seconds for the complete vote."

Another experimental vote was cast by the witness in 55 seconds according to Mr. McEwen; and 1 minute and 1 second outside of throwing the curtain, according to Representative Jayne.

In experimental voting the curtains were removed and the time was determined from the moment the witness began pulling the keys.

2027 Witness thinks he could have voted very much more quickly if he had been posted on the ballot.

2028 Witness thinks he could vote in 35 to 40 seconds if posted on the ballot.

Witness thinks that very few ballots in an ordinary election would be as mixed as the one voted by witness.

In voting, the witness read the names, but took the locations on the machine by number.

Witness states that the numbers on the ballots were somewhat concealed because the figures had been printed a little too high on the ballot labels.

—————

Afternoon Session.
Friday, August 8, 1913.

2033 FRANK KEIPER resumes the stand:

Cross-Examination (cont'd) by Mr. Deneen.

Witness was employed on a salary by the Empire Company only for a short time. Since December, 1909, witness has been in general practice and since that time the Empire Company has been one of a dozen similar clients of the witness.

2035 In his experimental voting, the witness "first voted the State Party ticket and then scratched, voting for every 10th candidate on the second party, and scratched again, voting for every 5th candidate on the last party ticket."

Witness read the names of those he voted for, but did not read the question.

2036 Mr. Mitchell renews a motion to permit witness to cast an experimental ballot on the voting machine for a straight Republican ticket, and then cast a scratched vote for four candidates. After discussion it is decided that he shall study a sample ballot and vote as he pleases, announcing how many scratches he made.

During the discussion the Chairman asks witness:

2038 "The CHAIRMAN. Q. Do you believe that the voters should vote by numbers? A. It is so much easier to locate those than by name."

2039 "Sen. LANDEE. Q. How many average voters would look for the number? Would not they look for the names of the party they voted for?"

Senator Landee thinks that voting should be done by name.

2040 Witness thinks that numbers are a big assistance to illiterate voters. They would recognize the numbers where they could not read the names. Anybody can count money.

Whereupon witness went to the machine and made a test vote, voting the straight Republican ticket and voting on all of the questions, with the following splits: 11-B, 24-C, 36-C, 47-C, and 59-B, and cast his vote and was out of the booth in 33 seconds.

2041 A bystander, Mr. E. Weber, of 7006 Throop street, who had voted at last fall's election, now cast an experimental vote upon the machine in 1 minute and 18 seconds

Mr. Weber voted for the candidates represented on the machine by 1-18C, 24-35C inclusive, and 36-B to 41-B inclusive. Also on the proposition 13 voted yes; 17, no; 21 yes, and 25, yes.

Rep. Jayne voted a Prohibition ticket instead of a Democratic.

Bystander William A. Stewart of 6628 Carpenter street, cast an experimental ballot on the machine. He had never voted on the machine at an election, but voted on it experimentally a dozen or two times and knows how to vote on it.

Mr. Stewart cast a ballot in 1 minute, 45 seconds, for the following candidates: B up to B-15 inclusive; 16, 17, and 18-C; 24 to 36-F inclusive; 37 to 41-A inclusive; 40 to 44-F inclusive, and 47 to 61-C inclusive.

Mr. Stewart casts a third experimental vote on which Rep. Jayne states: "In that case all the keys voted on the Democratic line except 61-B, he did not throw it down far enough."

The witness casts a straight Republican ballot in 6 seconds.

2050 Witness Keiper returns to the witness stand and states as to the experimental voting: "I voted a straight Republican ticket and made five splits that I had previously picked out according to their names and their numbers on the machine, and then voted 'yes' on the first two questions and 'no' on the third, 'yes' on the fourth, 'no' on the fifth and sixth and 'yes' on the seventh, I think; and I was told that I finished in 33 seconds.

"Mr. MITCHELL. That is all.

"Mr. DENEEN. Q. Mr. Keiper, did you read any of those questions?

"A. No, I did not read the questions.

"Q. For how many men did you vote outside of the Republican columns? A. I voted for five outside of the Republican column.

"Q. For whom did you vote? A. It is on the list I made out.

"Q. Do you remember? A. No, I don't remember.

"Q. Did you read the names on the ballot on the face of the machine? A. I did, to identify those I had on the list.

2051 "Q. You read simply those on the list? A. I read those on the list and found the names on the ballot board.

"Q. For those five only? A. For those five only.

“Q. In other words, you looked for five men, you voted a straight Republican ticket with the exception of those five and then voted the questions ‘yes’ or ‘no’ without reading the questions? A. I did not read the questions, that is right.

“Q. You had made up your mind fully before you entered the curtain as to how you would vote? A. I did.

“Q. And the operation inside was purely mechanical? A. I had to read the names I scratched for.

“Q. And pull the keys? A. And pull all the keys I operated.

“Mr. DENEEN. That is all.”

2052 A crippled man can be helped by the judges in voting on the machine; a left-handed man cannot write in the Independent slide as a right-handed man can. A boy four feet eleven inches tall wrote in the slides and seemed to be able to reach them.

2053 In the course of a day’s voting, with a voter running his finger along the keys, witness would not want to say that a vote or two might not be lost by not pulling the key down sufficiently.

2055 “Sen. LANDEE. The election law does not recognize the numbers on the ballots, but only the names.”

To this witness agrees, and says that the numbers are a convenience to the voter as well as an identification of the candidate with the counters on the back of the machine. Illiterate voters read the numbers when they cannot read the names.

2056 His friends can tell him the location of the candidates according to their number. Without the numbers the illiterate voters would have to have assistance; with them he can get along without assistance.

2058 “The CHAIRMAN. The committee, in executive session yesterday, selected a sub-committee to take evidence outside of the state.”

Whereupon the Committee adjourned until the following Wednesday, the 13th inst. (August 13th, 1913.)

VOLUME XXI.

Afternoon Session.
Wednesday, August 13, 1913.

REPORT OF SUB-COMMITTEE.

2069 "The CHAIRMAN: The sub-committee appointed by the whole committee to visit Ottumwa, Iowa, for the purpose of procuring such evidence as possible, render the following report. I will have Mr. Whittaker read it, signed by Mr. Butts and Mr. Kasserman, Mr. Jayne being absent in Omaha at the present time.

Mr. WHITTAKER: (Reading report of Committee:—)

"To the Members of the Committee:—Under your direction your sub-committee went to Ottumwa, Iowa, Monday, August 11th, and held a session at the Ballingall Hotel. At that session Mr. Thomas Pickler refused to testify, but submitted in lieu of testimony an affidavit, a copy of which is hereto appended as Exhibit A.

"Mr. L. L. Duke, the attorney, who prepared the statement in question, was requested to testify, but submitted to the committee a written statement which is attached hereto as Exhibit B.

"Mr. Newton W. Arrison and Mr. John L. Gray were severally requested by the chairman of the committee to appear before the committee and testify, but refused.

2087 Mr. McEwen does not object to the report as a report, but reserves an objection as to its acceptance as evidence or to its evidentiary effect.

2088 "Mr. MITCHELL: On behalf of the Election Commissioners I object to its acceptance on the ground that it is not admissible unless followed up by testimony connecting the Ottumwa incident with some member of the Election Commissioner's office and ask to reserve the right on behalf of the Election Commissioners to strike the report out later."

No ruling is made on this by the chairman.

2089 In view of the report of the sub-committee, Mr. Deneen moves for a ruling on the statements of Pickler, Arrison and Gray prepared by Mr. Duke heretofore offered in evidence by Mr. Deneen and withheld from the record by the committee subject to a farther ruling.

Mr. McEwen renews and argues his objection to the in-

roduction of the Duke statement on the ground that it is hearsay.

2092 Mr. Frank Walker appears as personal attorney for Andrew Lawrence and objects to the admission of the statement on the ground it is hearsay and on the ground that one of the persons mentioned in the statement, Charles Walsh, was in Ottumwa when the sub-committee was there and was not called by the sub-committee; and also because Mr. Andrew Lawrence, named in the statement, had left the state after having asked the committee, through his counsel, if they desired him as a witness to which the committee had responded that at that time they were not prepared to call him as a witness or state that they would call him hereafter, and that therefore Mr. Lawrence understood he could leave the state with safety, and because the publication of the statement following its admission by the committee would deprive anybody of recourse against anyone who should publish it.

2112 "The CHAIRMAN: Well, I will say that on the morning that the committee arrived in Ottumwa, Mr. Pickler in a conversation with Mr. C. S. Deneen and myself in Mr. Gray's office, the ex-chief of police, who was a party to the contract with the Empire Company, made the statement that the \$1,000 had been paid to an attorney in Ottumwa, in escrow, until a certain thing shall transpire, not stating what that certain thing was, since he stated, I believe, that the Governor had seen him in Omaha."

2126 (The committee goes into executive session to consider the question of the admission of the Duke statement.)

(The committee subsequently returns and:—)

"The CHAIRMAN: The committee for the present sustains the objections entered by counsel, with the right, however, to permit the matter to go into evidence at any time in the future."

2127 CHARLES H. KELLERMANN:

Direct Examination by Mr. Deneen.

2128 Resides at 1923 Ogden avenue. Witness is a foundry man at Erie and Kingsbury streets, and is the owner of the business for the past two years.

2129 Witness was associated in business with one Robert C. Barr from 1907 to about July, 1911.

2130 The partnership was dissolved before the voting machine contract was entered into.

At the termination of the partnership business the business was wound up, a balance struck and adjusted on the books of the partnership at the time.

Witness was appointed member of the Board of Election Commissioners in December, 1910, by Judge Owens.
2131 The witness, Dr. Taylor, and Commissioner Czarnecki qualified one evening at the same time.

The voting machine matter was first discussed in January, or maybe February, 1911. The Commissioners discussed it in open board.

Witness discussed it with Dr. Taylor and with Mr. Czarnecki. It was not discussed at any official meeting in January or February.

2132 Witness cannot remember the substance of what was said. Nothing was said about the Empire voting machine.

The first discussion was about the International, which was the only machine mentioned.

In the latter part of January or the first part of February Mr. Kellermann and Mr. Czarnecki went by invitation to see the International machine at the Great Northern Hotel.

Witness does not remember that Dr. Taylor went.

Witness thinks that Mr. Petrie and Mr. Hall were there at the Great Northern Hotel to receive them.

2133 Mr. Petrie and Mr. Hall demonstrated the machine to them.

There were casual talks with Judge Owens about voting machines before this time.

The talk with Judge Owens occurred in the latter part of January and concerned the proceedings of the old board.

2134 Witness cannot recall the conversation. Judge Owens wanted the commissioners at an early date to investigate voting machines.

The judge and the witness were present at the conversation and the witness was president of the Board of Election Commissioners. The conversation occurred in the judge's chambers.

2135 Judge Owens referred the president of the board to the executive clerk of the board, Mr. Stuart. Judge Owens said, "The board had better get together and look up the proceedings of the old board and follow out what we

could in getting in voting machines and having them investigated."

No particular machine was discussed with Judge Owens at that time. This is all the witness can remember of the conversation.

2136 The witness made a statement of Judge Owens' conversation to Chief Clerk Stuart; cannot recall ever giving it to anybody else.

Witness does not know how soon after the conversation with Judge Owens he saw Chief Clerk Stuart. It was in the early part of February.

Witness told Stuart to get into communication with the various voting machine people and have them bring in their machines.

Witness did not tell Mr. Stuart that Judge Owens wanted the machines purchased.

2137 Witness does not know of his own knowledge whether Mr. Stuart got into communication with voting machine companies. The records show a long list of them, but witness has no recollection on the subject.

Witness reported in meetings of the board that he had sent out notices.

2138 After witness talked with Stuart he talked with the commissioners about voting machines in the board rooms, not in official meeting.

Witness mostly talked with the two commissioners together, telling them that Judge Owens wanted the commission to investigate voting machines.

2140 Witness visited the factory of the Triumph Voting Machine Company at Pittsfield, Massachusetts; probably in the spring of 1911; maybe in March. He was accompanied by Ald. Herman Bauler, who is now dead.

2141 At Pittsfield, witness met Mr. Farrell, agent of the Triumph Company, who invited the witness, when here in Chicago, and paid all the expenses for witness and Ald. Bauler.

2142 The factory was inspected on Sunday. It was not in operation.

Witness does not remember whether Mr. Farrell had a Triumph machine on exhibition in Chicago at the time, or whether he had a 9-party, 70-key machine in the factory, but he had machines there and went through the machine more thoroughly than the International people at the Great Northern Hotel. He opened up the back part of the machine and operated it.

Witness probably spent half an hour in examining the machine and an hour in all at the factory.

- 2143 Witness is a machinist, but cannot give an idea of the mechanism of the machine he examined at Pittsfield; it was only a cursory examination.

Ald. Bauler and witness went direct from Chicago to the factory and came back from the factory to Chicago on Sunday night.

Witness did not inquire into the ability of the Triumph people to manufacture machines by the hundred.

- 2144 On his return to Chicago witness did not report what he had seen to Commissioner Czarnecki or Judge Owens; did not tell either one of them that he was going to Pittsfield. Told nobody.

At the time of witness' visit to Pittsfield he knew that the Empire machine was at the Chicago Election Commissioners' office.

- 2145 Witness knew the Empire machine was manufactured at Jamestown, New York.

Witness did not confer with the agent of the Empire Company about visiting that company while on a visit to Pittsfield.

Did not discuss his trip to Pittsfield with Mr. Barr, agent of the Empire Company.

Witness did not go to Indianapolis to see the Empire machine at any time, or into Indiana.

- 2146 Witness never made a report to the commission concerning his trip to Pittsfield and does not know that any of the commissioners knew of it.

Judge Owens knew nothing of it until it came up before the grand jury; neither did Dr. Taylor.

The witness does not remember whether he discussed with Mr. Farrell the amount of money it would cost to equip Chicago with his machines, or if the Election Commission was going to buy 1,000 or 100, or 1,400 machines, or the price, or how long it would take to make them.

- 2147 Witness did not ask whether Mr. Farrell's machine would meet the requirements of the Illinois ballot law or discuss the primary law.

Witness' attention is called to March 4th as the day Chief Clerk Stuart called up the voting machine matter before the Election Commissioners and thinks his visit to Pittsfield was made in the latter part of April. Again he says the early part of April or the early part of March.

2148 Witness has read the minutes of the meetings of the Board of Election Commissioners occasionally.

Looking at the minutes in evidence, the witness says Mr. Stuart called up the voting machine matter on March 4th.

Witness says the statement of Dr. Taylor moving to open a voting machine competition to ascertain whether there is a practical and efficient voting machine is correct.

2149 The only knowledge witness had of voting machines at that time was such as he had testified to regarding the Empire and Triumph voting machines and had seen the International at the Great Northern Hotel.

Witness does not remember whether he had read the proceedings of the old board.

Witness knew at that time that the old board had rejected all machines submitted and that the city did not purchase any.

2150 The witness believes that the record of the Election Commissioners showing that on March 24th Commissioner Czarnecki stated to the board that Judge Owens wanted 20 machines installed at the primaries for experimental purposes is correct.

2151 The statement on the 24th, witness agrees, was made by himself and Commissioner Czarnecki made a similar statement on the 25th, the next day.

The record shows that Mr. Farrell was there and objected because the notice was too short to get his machine on the field.

Witness did not discuss the matter outside of the board rooms with Mr. Farrell, and thinks that Mr. Farrell had been on the ground for some time and had been talking to the board about his machine.

2152 Mr. Farrell had also talked with witness. This was some little time after the trip to Pittsfield.

At the meeting of March 25th, the record shows that Dr. Taylor said he wanted experimental use of voting machines to create an agitation for them, and witness thinks the record is correct.

2153 Witness did not discuss the matter with any of the civic bodies here like the City Club, nor with the newspapers.

The witness, as a machinist, does not think he understood the voting machines as they were explained one after another by the agent.

The witness was voting for the machine for experimental purposes to see if they were practical.

On March 21st, it is witness' recollection if the record shows it, that Dr. Taylor moved to install 16 U. S. Standard voting machines at the April election, 1911, and the machines were so installed and used at the election.

No Triumph, International, or Winslow machine was used at the election.

The United States Standard machines were used; that was owned by the Empire Company.

The witness never spoke to Mr. Barr, about voting machines during the voting machine competition. Witness did not favor any particular machine, and did not tell Mr. Cannon, his predecessor on the Board of Election Commissioners, that he thought the Triumph was the best machine.

- 2155 Witness did not tell Mr. Cannon about a week before he voted for the Empire contract that he would never vote to award the contract to the Empire Company, because he didn't think it met the requirements.

Witness knows Mr. Cannon very well.

Witness thinks Mr. Stuart, chief clerk, prepared the specifications that were sent out.

The witness did not assist; was not consulted, and cannot remember that he made suggestions. He read the specifications.

Witness does not remember whether he made any suggestions when the specifications were read at the meeting. Witness thinks the motion was made to authorize the chief clerk to prepare the specifications.

- 2156 Witness reads from Election Commissioners' minutes the following: "The chief clerk stated that it was time to take some action upon the voting machine specifications, and announced that with Attorney Mitchell he had prepared a draft of specifications which he desired to submit to the board."

Prior to this the board had talked about specifications, but not at official meetings, and had taken no action regarding them.

Witness had discussed the subject with Commissioner Taylor. Witness does not know "whether the other member was there. He might have been around."

- 2157 It is his best recollection that he discussed the subject with Commissioner Czarnecki before that time. Cannot remember what either one said, but thinks Dr. Taylor was present.

- 2158 "Q. Then will you say that you discussed these speci-

fications, or any specifications regarding voting machines with Mr. Czarnecki previous to April 24th, 1911, at a meeting? A. Why, they had a copy of the specification, the old specification, of the old board, and the specification written out by Chief Clerk Stuart, we had copies of them in the board room, submitted to us before the previous meeting, have every one of the commissioners—was that an official meeting?

“MR. DENEEN: Q. Yes. A. Not at an official meeting.”

2159 Witness had not talked with Judge Owens about specifications before April 24th.

Witness did not talk with any member of the finance committee of the City Council or with any experts or with any member of the old board.

Witness had read some of the specifications of the old board.

At the same meeting, witness says, the records will show that Dr. Taylor moved that the matter of specifications should be taken up without delay and that Commissioner Czarnecki moved for delay to consider the specifications, 2160 witness believes from the record “and further, he insisted that Attorney Mitchell be present when the specifications were taken up and that time be given every commissioner to study the draft.”

Copies of the specifications were there before that day and every commissioner received a copy. Witness cannot say how long before April 24th.

Witness reads further from the record “Chief Clerk Stuart declared that the subject should not drag any longer, but that action be taken within a day or two.”

2161 The specifications stated that 1,400 machines might be required. Witness does not remember that it was provided in the specifications that the purchase price might be paid out of any funds of the city not otherwise appropriated.

Witness remembers that a report was handed in to the Election Commissioners by the Bureau of Public Efficiency. Does not recall that it “called our attention to any funds.”

The specifications called for the delivery of machines: 200 before October 1st, 300 before March 1st, 1912, 500 before October 1st, 1912, and the balance on or before March, 1913.

2162 Witness has not consulted with any manufacturer to learn with reference to their ability to meet these requirements, and has no knowledge on the subject.

The specifications call for the deposit of a certified check for 5 per cent of the aggregate amount of the cost of the machines.

Witness did not know the price the machines would likely cost. Witness has seen a list of machines sold in other states and knew something about the price. It was something like \$900 or about \$1,000 and 1,400 machines would cost approximately \$1,000,000.

2163 The certified check would be for something like \$50,000.

Later certified checks were filed by some of the voting machine companies. Witness had charge of them and deposited them to his private account.

Later the checks were returned to the companies that failed in the competition and there was some dispute about the interest on the fund.

Mr. Mitchell, attorney for the Board of Election Commissioners, as well as the board, knew that the witness had deposited the funds to his private account.

2164 Witness knew that when the banks certified the checks they assumed the responsibility.

Witness made no inquiry regarding the standing of the banks that certified the checks. They drew interest while in his private account. This has not yet been turned over and is a subject of dispute between witness and the voting machine companies.

2165 The specifications provided that bids should be filed May 22d. Witness has not consulted with voting machine companies to ascertain whether they could file bids in 25 days for such a large contract.

Witness did not know that bidders would have to be familiar with the election laws of Illinois before making bids and states: "I think if the machine was submitted to the State Voting Machine Commissioners and if the machines were not right they would be rejected, wouldn't they?"

Witness knew that the specifications called for a machine that would meet the election laws of the state. The primary law was not mentioned in the specifications. The voting machines purchased had primary election attachments.

2166 "Q. Did you think at that time that the machines would be fit to be used on primary day, for that purpose?

A. I expected them all to meet the requirements of the voting machine law after being inspected by the State Voting Machine Commissioners.

“Q. You are sure that the State Voting Machine Commissioners did inspect those machines? A. We have the certificates on file.

“Q. I don’t doubt it. I want to get it clear to see whether these machines were to be used on primary day?

A. I don’t think so.

“Q. You thought they were to be used, didn’t you? A. Why, certainly.

“Q. A bidder would have to become familiar then with the primary law, the election law and the ballot law regarding the voting machine, with the requirements of the voting machine law? A. If they built a machine and it was not—and did not have the knowledge of the voting machine law, it would be rejected, wouldn’t it?

“Q. Certainly. They would have to become familiar with that. A. Certainly.

“Q. They would have to become familiar with our peculiar system here for cumulative voting? A. I believe so.

“Q. You understood that is peculiar to this state, didn’t you? A. Yes.

“Q. Also, with group voting, for members of the legislature, sanitary trustees, county commissioners, etc.?

A. Yes.

2167 “Q. And the woman’s voting law of Illinois, as it then was? A. Yes.

“Q. And have to arrange to get a certified check for \$50,000 in a responsible bank to meet the bids? A. Yes.

“Q. And would have to file a bond from \$200,000 to \$250,000, to keep faith on their bids? A. Yes.

“Q. They then were required to study Section 5 of the Voting Machine Law in reference to financing the obligation, did you know that? A. I didn’t know that.

“Q. You read that part of the law, Section 5 of the Voting Machine Law, didn’t you, in regard to how these were to be paid for? A. I have.

“Q. Had you at that time? A. I did.

“Q. Well, they, you knew—you required them under the specifications to outline a scheme for financing the payment of these machines? A. I didn’t construe the law so.

"Q. Well, we will look at the section? A. I know the section.

"Q. Section 5? A. Yes.

"Mr. DENEEN: Have you got the law here, Mr. Whitaker?

"The WITNESS: I have the law here.

"Q. Section 5, it is. A. Here it is (handing pamphlet to counsel).

2168 "Mr. DENEEN: (Reading) 'The local authorities on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment therefor in such manner as may be deemed for the best interest of the city, village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.'

"Q. You read that? A. I read that.

"Q. And you incorporated that in your specifications? A. I don't know whether we did or not.

"Q. 'J' of the specifications? A. Have you it there, Governor?

"Q. Yes, I have it here (handing specifications to witness). A. That is correct.

"Q. They would also have to present their machines to the State Examining Board those 25 days, the companies that bid? A. That is correct.

"Q. Because they would have their check for \$50,000 up. And they would have to provide for equipment and
2168 capacity for an output of 500 machines in nine months, they would have to extend that before they dared put up the bond? A. I guess that is up to the companies that put up the bond.

"Q. They would have to extend that in 25 days. A. I don't know about that; that is the voting machine manufacturers' business.

"Q. I am just talking about what these men would have to understand? A. I presume they did; I can't answer for them.

"Q. They would have to arrange to get money to equip the factory and get an organization to do the work, be-

cause if they did not do the work and meet the requirements they would forfeit their check for \$50,000 and forfeit the bond. A. I presume that is correct.

“Q. Did you assume that manufacturers could do that in 25 days? A. I can’t answer that.”

2169 Mr. Mitchell objected to the last question as assuming that the factories did not exist.

The CHAIRMAN. Answer if you can. A. Well, ask the question again.

“Q. Did you assume that manufacturers could do that in 25 days? A. I didn’t assume anything of the kind. They were under bond and if they did not furnish the machines in a given time it was up to them. I knew nothing about what they could do.”

Witness assumed that 25 days was sufficient for a manufacturer if he bid on the contract.

2170 In making the time so short witness does not think it was the purpose to prevent companies from bidding. Witness thinks it was ample time.

Four companies bid, but witness did not know how many would bid.

2171 Witness did not talk with any companies as to their equipment or power to meet specifications; did not think it necessary; nor did he talk with anybody about the proper time to elapse between the advertisement and the time for filing bids.

Witness has read the reports of the old board and is asked whether he knew that the old board had given 9 months’ time between the advertisement and bids and answers. “Oh, I believe that was optional with the old board. They could have given them 24 months.”

Witness thinks 25 days long enough if a man has an equipped factory and the machine.

Witness did not know how many equipped factories there were in the country at that time.

2172 The factory at Pittsfield witness saw was a building about 50 by 100, two-story, witness thinks.

Witness does not know the output of the plant, but the company stated that if they got the contract they could enlarge their plant.

VOLUME XXII.

Morning Session.
Thursday, August 14, 1913.

CHARLES H. KELLERMAN resumed the stand.

Direct Examination (continued) by Mr. Deneen.

2174 Mr. WALKER: If you are in session I want to bring something to the attention of the secretary, without making any speech at all, or referring to any facts, before the witness testifies. Referring to the ruling—in view of your ruling last night, that you would still hold under advisement the admissibility of the document put in, I wish to offer for the perusal of the committee the additional suggestion of evidence on the subject, together with an affidavit, copy of which I have handed to Mr. Deneen, together with the other instrument, if I may be admitted I wish to say that the witness who swears to the affidavit is Mr. Edward E. Marriott, a citizen of Chicago, a resident of Chicago, who is ready in the room and quite ready to be sworn and cross examined, if you wish so. I wish this committee to take this as new evidence to counteract the other, considering the admissibility of the other.

The CHAIRMAN: We will look this over. We will proceed now with the examination of this witness.

Mr. WALKER. I don't want anything on it, on that subject matter at all, except to present it, and not interfere with the movements of the committee at all.

The CHAIRMAN. We will consider the proposition. Mr. Marriott is in the city right along, isn't he?

Mr. MARRIOTT. Will you promise me an opportunity to appear before the committee and testify to certain matters of which Lloyd L. Duke testified before you at Otumwa, and I am here for that purpose?

The CHAIRMAN. Yes.

Mr. MARRIOTT. I wish to offer further evidence that Keeley of the Tribune and ex-Governor Deneen—

The CHAIRMAN. Stop him, somebody, you will be sworn after a while.

Mr. MARRIOTT. And the fact that they offered thousands of dollars for evidence against Andrew Lawrence to drive him out of Chicago.

The CHAIRMAN. Sergeant-at-arms, will you please make the gentleman sit down at once?

Mr. DENEEN. I wish to state that the gentleman has stated an unmitigated falsehood, and has come here in defiance of the chairman, against the order of the chairman, and converted this into a town meeting; he ought to be censured.

The CHAIRMAN. There is no counsel for Mr. Marriott.

2175 Mr. DENEEN. Last night Mr. Kellermann was available and we had anticipated his going on the stand for more than a week and a half or two weeks, and Mr. Marriott will be permitted to explain this.

2177 The CHAIRMAN. You will be heard, no rights of yours will be lost.

Mr. DENEEN. I suggest that he be suppressed or—

Mr. MARRIOTT. I have a right to ask this committee to hear me and I asked you in Ottumwa—

The CHAIRMAN. I say now that you will be heard.

Mr. DENEEN. I asked, Mr. Chairman, just a minute, I asked the attorney for this man whether or not he approved of this conduct, whether or not he approved of it.

The CHAIRMAN. Mr. Walker, no, it is not quite—

Mr. WALKER. Pardon me, I am not Mr. Marriott's attorney and I do not appear and I had no intimation of what he was to say and I wish to say this, however, personally, in view of certain publications of the instrument before this committee which I understand was handed out to the press at the time it was handed to the committee, I have some sympathy with his feelings, that is all.

The CHAIRMAN. That is all right.

Mr. DENEEN. I ask the chairman—

2177 Mr. MARRIOTT. Must I stay here all of the time or will you tell me when you will hear me?

Mr. DENEEN. I will ask you if you will ask this attorney, Mr. Chairman, if he is responsible for this and let the—

Mr. WALKER. You have heard what I said, I never knew Mr. Marriott was to say anything before the committee or intended to. I have not had any conference with him, but I can see many reasons why he thinks he was injured, and I want you to understand I am not representing Mr. Marriott at all, I am representing the very purpose and the only one that I was here on yesterday. I do say this, I cannot help his feelings, or emotion, and I

think they are largely justified. I have no authority to represent him at all.

Mr. DENEEN. Mr. Chairman, yesterday Mr. Walker repeatedly tried to convey by insinuations that something detrimental to this committee or its attorney would be shown if certain evidence was permitted. Now, if an insinuation like that was made in the court, it is unlawful-like and unprofessional and harsher terms could be applied. Now, he is trying to introduce certain statements without being responsible for them, by a man with whom he was in court yesterday, and I want to call this matter to the committee, for if they have anything detrimental to this committee or its attorney or anyone connected with it, it is his duty to show it to the committee
2178 and not give it out as threats and hints. I could characterize such conduct by very harsh names.

Sen. LANDEE. Now, Mr. Walker came in here as a courtesy, this Committee permitted him to appear for a man whom this Committee has not said anything about, and taken no action against. Now, another man came in and interrupted the proceedings of this Committee, while it is
2179 examining a witness, and I think when the proper time comes it is proper for those things to come up, but to take it up this way I don't think it is proper, for anybody, either the attorney or this witness to come in. When this witness gets through, we will give him ample time to testify, but to come in this way and I think it is not in good grace, I don't think it looks well, and it has never been called to the attention of the Committee until yesterday that this gentleman had asked to be heard, and he surely should not interrupt the Committee while there is a man on the stand, while the witness is on the stand.

Mr. WALKER. Now, Mr. Chairman, pardon me, I never try to do anything by innuendo. I handed this affidavit in good faith to the chairman and I had no information or knowledge that Mr. Marriott was or intended to say anything to this Committee. It came as purely out of the sky to your Honor as it did to me. I wish to say now and that I have yet in 34 years of practice to lie to any tribunal. The whole subject matter of my consideration of yesterday seemed totally improper and the Committee has so far sustained it. That ended any discussion of mine and I am not going to discuss it now, but the Committee reserved some future right in which perhaps to admit it and I want

to counteract that and introduce a paper without saying anything of its contents, handing your Honor a copy and the prosecutor, I have no other myself. Now, then, I want
2180 to say this, not knowing at all that Mr. Marriott was going to say a word, I wished the committee to believe me on the subject, without the slightest consideration—in view of the procedure, I say Mr. Marriott could be excused for his personal indignation.

2181 The CHAIRMAN. You never doubted that this commission on the promise of the chairman, made in Ottumwa, Iowa, in your presence, that he would be called before this committee and allowed to talk, and be sworn and allowed to talk, did you?

A. Certainly never, and in addition to that, permit me to say that Mr. Deneen turned to me yesterday and asked me to say when the committee had ruled if I wished to call Mr. Marriott now. I had no wish to call Mr. Marriott as a witness, for the interest I represented, when you had ruled, that you would not admit it then, so I said no. If Mr. Marriott desired to be heard I suppose he might have said so, but I want it distinctly understood that I had nothing to do with it, or at any time, with his indignation or request of this morning. Never would I doubt but that this chairman would permit Mr. Marriott to be heard when it was time, so that he could be heard, but I see he must have had some doubt about it; I did not.

Mr. DENEEN. Mr. Marriott was here yesterday and I asked Mr. Walker whether or not he cared to put him on the stand and Mr. Walker said no, he would not put him on the stand, and dropped it then. As to his talk now, it is purely an effort to get down in the sewer and try to introduce something which he knows is improper, and which I believe he knows to be false, trying to take advantage of the courtesy extended by this committee; I said yesterday if there was anything he had he should exhibit it, about the committee or its attorney, but he refused to do so and refused to furnish the evidence—but he comes in and offers an affidavit; I have not time to read it. I have not had an opportunity to read but a page, before this controversy started, but I can see what kind it is. It is unlawyer-like and unprofessional, but I think I shall call the attention of the committee as to whether or not it will be permitted by a
2182 gentleman who claims to be a reputable member of the bar.

Mr. WALKER. I not only claim it, I am. However, I asked the chairman—I suppose he will give me credit for that—whether I might disappear and go away, believing that document would not be put in evidence at all, or if it was I might have some notice of it. The chairman will remember what I said and what he said, and it is only in view of the fact I could get no absolute information on the subject that they would never introduce it in evidence, that I put this affidavit in for this committee, in that connection, demanding that if they take the one that they admit the other or call the witness, and I did not do it in any way to give anybody information on the subject of the instrument, that is my attitude.

The CHAIRMAN. You understand the committee accepted the affidavit made in Iowa because of the inability to get those witnesses in this state, you appreciate that fact, Mr. Walker; we used every means to bring those witnesses in Iowa into Illinois?

Mr. WALKER. I certainly do.

The CHAIRMAN. And will further use all honorable means to bring them into Illinois for the purpose of testifying before this commission. It is for this commission to say whether or not a man being on the ground within
2183 the jurisdiction of this committee, whether he shall be permitted to be sworn and put on the stand, or whether in lieu of that an affidavit may be presented to this commission.

Mr. WALKER. I am not finding fault with that, the committee permitted Mr. Duke there, orally or otherwise, to say something about Mr. Marriott, but I am not interested in that feature of it, I told you the witness himself is here at any time. I put that in the same as oral evidence, and if you desire to cross-examine him on the subject, all right; I only put that in in view of your consideration, to counteract the other unsworn, unsigned statement.

Mr. DENEEN. The purpose of it is to increase the covert threat made by him yesterday to this committee, that is all the purpose of this proceeding.

The CHAIRMAN. I have not seen the contents of this affidavit. However, I shall read it.

Mr. DENEEN. Shall we go on?

The CHAIRMAN. Proceed with the examination of the witness.

2184 Witness' attention is called to the meeting of April 26th and the statement of Chief Clerk Stuart asking for authority to proceed to advertise for bids. He says it is correct.

2185 The statement of Commissioner Czarnecki asking time to see the printed drafts of the specifications and that of Commissioner Taylor asking that authority desired by Chief Clerk Stuart be granted at once without delay are also correct.

Commissioner Czarnecki had all the opportunity he needed to make any alterations in the specifications he desired.

The statements in the minutes of the meeting of April 24th, Commissioner Taylor stated that each commissioner should receive a copy of the specifications and Czarnecki moves that Attorney Mitchell be present and that the reading be deferred to give time to every commissioner to study the draft, whereupon Mr. Stuart stated that the subject should not drag and that action should be taken within a day or two and that Commissioner Taylor moved that the draft be taken up at a later date, are correct.

2187 Witness calls attention to the statement in the minutes of the meeting of April 26th that Chief Clerk Stuart presented a draft of specifications which he declares "embodied some of the additional sections taken from the old sections of the old Board which Mr. Czarnecki pointed out the other day."

2188 The minutes show that Commissioner Czarnecki moved that August 21, 1911, be fixed as a day for filing bids. Commissioner Taylor moved that the date be made May 22d and that Commissioners Taylor and Kellermann voted "aye" for May 22d; Commissioner Czarnecki "no." Whereupon Commissioner Czarnecki submitted two paragraphs to be inserted in the specifications.

The minutes show that Commissioner Czarnecki moved that a certified check for 1% of the aggregate amount of the bids be filed with the committee and Commissioner Kellermann stated that 5% was not exorbitant "in any line of business."

Witness does not know anything about the rule in the voting machine business.

2189 Witness does not think that \$5,000 would cover damage to the city for failure of a bidder to live up to his contract. The Election Commission had been to "quite an expense" and also wanted to "show the good faith of the

machine companies." The commission didn't want to crowd out the little machine companies.

Witness thinks the small companies could put up a check for \$50,000 if incorporated and in shape to manufacture machines.

Witness did not know whether any machine company, except the Triumph, had a factory, and had received no information about other companies.

The only loss the city would sustain in case of failure to comply with the contract would be inconvenience.

- 2190 Commissioner Czarnecki asked that the time for filing bids be three months. Commissioner Taylor stated that 25 days would be sufficient time.

The Election Commissioners were not in a hurry; it was not a new question with the public.

It was not the public, but the experts of the old board which discarded voting machines. The public always wanted them.

- 2191 At the meeting of May 15th, 1911, the Board of Election Commissioners received a communication from the Hoosier Voting Machine Company.

The letter was considered by the Board and the Hoosier Company to date has never presented their machine to the Election Commissioners.

The company asked for more time and witness thinks the company wrote a similar letter to the old Board.

- 2192 The witness did not look up the records of the old Board while considering this letter, but Dr. Taylor did, and so stated to the witness. The records do not show that Dr. Taylor made this statement to the Board. The letter was not discussed but was placed on file.

The Election Commissioners received a letter from the American Voting Machine Company dated May 12th stating they had received a letter from the Commissioners on May 10th, and that 12 days was far too short a time to make a bid.

- 2193 Witness says that the letter was received and Mr. Nickels of the company was before the Board and witness talked with him. Witness cannot say whether this was before or after the receipt of the letter from the American Voting Machine Company. Witness told Mr. Nickels "any time he brought his machine around he would receive due consideration."

Nickels didn't bring down any machine. The American

Voting Machine letter was placed on file without discussion.

- 2194 Mr. Winslow made a protest and asked to file it later in writing.

The Commission agreed to receive Winslow's written protest which was all the consideration given to his oral protest before the Board.

At the meeting of May 19th, the time of filing bids was extended four days.

- 2195 This was done 6 days after the receipt of the latter from the Hoosier Voting Machine Company.

A protest was received from the Bureau of Public Efficiency. This was discussed informally at an informal meeting of the Board.

- 2196 Not officially.

"Q. Was Mr. Czarnecki there? A. Mr. Czarnecki was always there, at all meetings; you could not keep him out.

"Q. You tried to keep him out? A. Never did. Couldn't get rid of him."

- 2197 The protest of the Bureau of Public Efficiency called attention to the subject of financing the obligations incurred by the Board in purchasing machines and that such funds might be drawn from funds of the Treasury, the Public Utility funds, the Street Car Company funds, and so forth. This matter was not inquired into or discussed by the Board of Election Commissioners. The protest was read and placed on file without discussion.

The facts stated by the Bureau of Public Efficiency that Minneapolis had been obliged to put in two machines to meet the requirements of 600 voters was not discussed or investigated by the Election Commissioners.

- 2199 None of the various matters mentioned in the protest of the Bureau of Efficiency received any attention from the Election Commissioners, more than was given to the whole communication.

Following the protest from the Bureau of Efficiency a protest was received from Mr. Winslow, stating that no company could comply with the terms of the specifications and furnish 500 machines in 9 months; that the specifications discriminated in favor of a bidder with adequate funds and that they compelled one party to the contract to sell, but did not compel the other party to buy voting machines; that the certified check required was too large. No attention was given to this protest other than to receive it.

- 2200

2201 At the meeting of May 26th, Dr. Taylor moved to extend the time for filing bids from May 26th to June 1st, four days. Witness thinks they gave notice of this intention in time to send out to bidders.

2202 Witness did not think that new bidders would come in by reason of the two extensions of four days each.

Neither the Election Commissioners, nor witness conferred with the Mayor about the financing of the voting machine obligation.

At the meeting of May 26th a communication was received from the Ery Voting Machine Company, and placed on file.

2204 This was also done with another communication from the American Voting Machine Company dated May 18th, 1911.

The American Voting Machine communication stated that if the time was extended to June 30th, 1911, they could meet the requirements of the bid.

A letter from the Calkins Voting Machine Company stated that it wanted to make a bid; the letter was placed on file.

The letter from the American Voting Machine Company stated that it could not comply with the terms of the specifications, that it would take 30 days to complete a machine and secure the approval of the State Commission and that, in view of the large contract, it would be an injustice not to extend the time to bid. The letter was placed on file.

A letter from the Hoosier Voting Machine Company dated May 1st, stating that the time was too short, was placed on file. Witness states "They had due notice."

"I notice that you use the language Mr. Stuart used.

2205-6 Commissioner Czarnecki says right following that: 'After reading the letters moved that each one of them be given due consideration and that an opportunity be given to all of them to come in and bid;' and then Chief Clerk Stuart stated 'that all had due notice and that it is too late to seek delay.'

"A. That is true.

"Q. He made that statement? A. Yes.

"Q. Commissioner Czarnecki stated right below that 'that some of the letters indicated that the chief clerk was in communication with some of the companies which asked for more time, but that the requests were not submitted to the Board, especially in the case of the American Voting

Machine Company of Boston, Mass., which makes a definite proposition evidently in reply to a request of the chief clerk concerning which the Board was not advised at any meeting or at any rate that Commissioner Czarnecki was never even informed about it.' That statement was made? A. That statement was made.

"Q. On the bottom of the page there, Commissioner Czarnecki moved that 'on next Thursday we do not open bids, but that we give sufficient time to the various companies asking for same so that we may have full competition and the largest selection to choose from.' He made that statement, did he? A. That is right.

"Q. And Commissioner Taylor stated that if they did that other bidders might loom up, as he expressed it, and cause further delay? A. Correct.

"Q. On the following page Commissioner Czarnecki moved that the companies be notified that an extension of two months will be granted for the filing of bids, did he? A. That is correct.

"Q. And he was ruled out of order by you? A. He was not ruled out of order.

"Q. But the motion was not seconded; Commissioner Taylor declared that the move was made for delay; there was no second, and the motion therefore was not considered? A. Yes."

On June 1st the bids were opened. Bids were received from the International, the Winslow, the Triumph and the Empire.

The Calkins was present at the meeting and requested further time, but was not in shape to put in a bid and 2207 stated so, witness believes.

The experts were appointed at the meeting of June 3d. Mr. Chamberlain, Mr. Abbott and Mr. Wooley.

Witness did not know Mr. Chamberlain nor anything about his qualifications, or those of Mr. Abbott or Mr. Wooley, and did not make any inquiries concerning the matter.

The names submitted to the Commissioners were approved by the County Judge, "stating that they were men of high character and qualified to do the work."

Witness understood that Mr. Stuart selected the experts.

The letter of Eugene Gregory of June 15th, 1911, was received and placed on file.

A letter was received from the International Voting Ma-

chine Company dated June 19th, 1911, pointing out in detail many objections to the Empire voting machine. Witness believes this letter was turned over to the experts, but will not say that it was:

2209 It was read, but not discussed by the Board.

Witness believes that he manipulated the Empire machine to see if the objections were valid and well founded, accompanied by a man named A. R. Howland, employed by the Election Commissioners.

"Q. Did you experiment on the machine on the matters pointed out by the International Voting Machine Company? A. I did.

"Q. Well, the first point was to have the public counter moved to the face of the machine so that a voter could tell for whom he voted. Did you look that up? A. I believe we did. It is so long ago, two years—

'Q. Have you any distinct recollection about it? A. Not at this time.

"Q. They suggested you place the woman's lock-out, or restriction ballot lever, on the back of the machine, outside of the curtain. Did you make inquiry into that? A. we looked that up.

"Q. When you say "we," does that mean you alone? A. I and Mr. Howland.

"Q. They suggested 'Build six or more primary bars in each machine, said bars to be operated from the rear of the machine and outside of the curtain, and the face of each bar to be sufficiently large to carry a party appellation which may be readily distinguished by election judge or by a watcher.' Did you investigate that? A. I can't recall that particular; it is so long ago; but we went over all of the machine.

"Q. And to 'cover the face of the ballot with celluloid, which will prevent the voter from marring the ballot and will prevent the placing of rubber bands on the lower part of the key.' Did you investigate that? A. We read that over and looked it over.

"Q. On which machine did you do this? A. We looked over all the machines there.

"Q. But I mean in particular about these suggestions; on which machine did you do this? A. We looked over the Triumph, the Empire, and the Winslow.

"Q. As to those suggestions? A. Yes.

"Q. You look at that; I believe you will find you are

mistaken on that. A. Well, I say, it has been so long ago, I don't know—

“Q. These suggestions are suggestions made, to be made on the International only? A. It says ‘our machine.’

“Q. Now, that your attention is called to it, you did not go over the other machines? A. I told you we looked over all the machines that were on the floor.

“Q. As to these features? A. As to all the features that were presented to me.

2211 “Q. These? A. Right here on this page, yes.

“Q. You looked at all of them? A. Yes.

“Q. Well, this is entirely with reference to the International, I think? A. It is.

“Q. And has an argument in it regarding it? A. I don't know if it has.

“Q. He states here that this machine has an apparatus by which the vote can be printed in the morning before the voter begins to vote, and again at 4 o'clock, and that a complete test is had there, a check on the custodian. A. That statement was read.

“Q. Did you investigate that matter? A. I did.

“Q. And investigated the other machines in regard to that? A. Yes.

“Q. He called your attention to the fact that his machine added the votes into one sum; that this other machine, the Empire, required adding by the judges; did it not, of the straight votes and the irregular votes? A. That is true.

“Q. Did you make an examination of the other machines and this machine with reference to that? A. Yes. They had a party-lever, I believe, and all machines with a party-lever have that feature.

“Q. And the fact that his machine would weigh 600 pounds? A. That is true.”

2212 At the meeting of June 30th, Commissioner Czarnecki made a motion that “this Board of Election Commissioners, before passing any further in the voting machine matter, and before taking any other action, do now proceed to make its own test with reference to the grouping of fifteen or twenty names for an office to determine whether the future requirements of the election conditions can be complied with, or whether the adoption of machines at present submitted will limit the grouping of fifteen or twenty without the dangers of facilitating the

casting of an addition or more illegal voting for such grouped office."

2213 This motion received no consideration or second.

"Q. Did it not occur to you to be wise to make a test when it was called to your attention? A. I believe from experts' report—I believe the experts were capable of covering that ground."

The report of the experts was silent on the subject of grouping, but the witness states: "We accepted the re-
2214 port and we believed everything covering the machine was included in their report."

The Election Commissioners did not experiment on the machine to see whether Commissioner Czarnecki's objections were valid. They had the experts do that.

Mr. Howland was a machinist, and had been in the employ of the witness for 16 years. He was then an employee of the Election Board. He was not asked to make such experiment.

A resolution was offered by Dr. Taylor for the purchasing of 1,000 voting machines, and by Commissioner Czarnecki that the purchase be limited to 120, and also that counsel of the Commissioners be called upon to submit information regarding the financing of the obligation.

2215 Commissioner Czarnecki's motions received no second, nor did his subsequent motion that a conference with the city authorities regarding the financing of the voting machine obligation be had.

Commissioner Czarnecki moved: "I move that the Empire Voting Machine Company be ordered to produce before this Board, a machine which will have the objections of weight, cumbersomeness, lack of restriction of inspections, the inability of the voter casting a straight party vote to see any indications as to the names of the candidates he votes for or against, of the absence of the party-lever, the absence of any printed record of the counters before and after the voting takes place, the absence of a grand total of both straight and individual votes at the close of an election, and other imperfections, cured and corrected, before the question of passing upon its merits, or awarding a contract to that company, is resolved upon."

2217 Commissioner Czarnecki stated that all the imperfections mentioned in his motion were pointed out in the report of the experts employed by the Board of Election

Commissioners, to which witness replied that he "intended to support the experts," and made no further investigation.

Witness' attention is called to Commissioner Czarnecki's motion for a public exhibition of voting machines, in compliance with Section 18 of the specifications. It received no second.

Witness believes that this provision of the specifications was carried out because "it was heralded all over Chicago by the newspapers; the machines were on exhibition every day; anybody could come up any time and
2218 investigate that machine any time they wanted to, from March 4th until the time the contract was awarded."

"Q. Was any time fixed when men could come up and point out the deficiencies of the machine to the Board and have an opportunity to discuss with the men who were manipulating the machine? A. There was no time fixed, and there was nobody came up and pointed out any imperfections."

2219 No public meeting was called.

2220 Commissioner Taylor and Commissioner Kellermann voted "aye" on Commissioner Taylor's motion for the purchase of 1,000 machines. Commissioner Czarnecki "no."

At the same meeting, July 1st, 1911, Mr. Winslow, of the Winslow Voting Machine Company, Mr. Farrell, of the Triumph Voting Machine Company, and Mr. Petrie, of the International Voting Machine Company, were present and demanded the return of checks deposited with the Election Commissioners.

2221 Mr. Winslow made an oral protest at length against the passage of the Taylor resolution.

The protest included the statement that no time was fixed in the resolution wherein the Empire Company should furnish a sample machine under the contract for 1,000 machines, so that other companies might have the right to submit propositions to the Board in case of the Empire Company's failure to furnish the sample at the time fixed.

2222 Witness cannot recall the time given the Empire Company to furnish the sample machine; thinks it was a month, or something like that.

Witness cannot tell when the sample machine was sent

in by the Empire Company, but it was brought to the Sherman House.

This machine was a 9-party, 70-key machine, and was brought in and examined by the experts for the Election Commissioners in July, "and then the contract was awarded."

2223 This machine bore a plate "Empire Voting Machine, Jamestown." Witness cannot remember the serial number of the machine, and, asked if it was not under 4000, believes it was 4000 somewhat, "but I would not be positive."

2225 The Winslow protest stated that the seals on the packages containing photographs, drawings and blue-prints accompanying his bid had not been broken.

2226 These seals were not, in fact, broken, but were still in the same condition in which they were received by the Election Commissioners.

As a manufacturer, witness does not consider blue-prints, instructions, or photographs would be of any use in the inspection of an intricate machine.

2227 The internal mechanism of such a machine could be examined by taking it apart or using one section as a sample of the machine's operation.

The seals on the packages containing the blue-prints, photographs and so forth, of the Winslow and International machines were not broken.

No attention was given to the complaints of these companies because of this. The specifications required the companies bidding to furnish such blue-prints and so forth.

2228 Witness does not know why the blue-prints were required. Probably copied the requirements from the specifications of the old Board.

The experts could carry on the examination very well without blue-prints and photographs.

Witness does not remember the banks that certified the checks filed by the bidders with the Election Commissioners, and never looked them up to ascertain whether they were solvent.

2229 Witness considered the checks safe when mixed with his own funds.

Witness' attention is called to protest of the Triumph Voting Machine Company, made at the meeting of July 3d.

2230 This was received by the Board but they did not call in experts to look into it.

Witness' supposed that the protest that the voter could not vote in a minute on the Empire voting machine was covered by the State Voting Machine Commissioners, and
2231 believed "we paid no attention to it."

Witness' attention is called to the protest of the International Voting Machine Company. It was received, but no hearing was given to the company after its protest,
2233 and no investigation was made of the charge, in the International's protest No. 4, that the Empire voting machine, which had been sold recently, had been thrown out by a city in Indiana because of its inefficiency.

2235 Commissioner Czarnecki moved that the Board rescind its action on the Taylor resolution and give the companies a right to be heard in regard to the experts' reports. The motion received no second.

2236 Commissioner Czarnecki moved that "we rescind the Board's action of last Friday, upon voting machines, and that we now enter the reopening of the whole proposition of voting machines." This motion received no second.

A motion was then made to place all protests on file, and that was all the consideration given to them.

Commissioner Czarnecki moved that the time limit of the Empire Company to furnish the sample machine be fixed as October 1st, which was carried unanimously.

2237 Commissioner Czarnecki moved that failure to deliver the sample machine on or before October 3d, 1911, should bring negotiations with the Empire Company to an end, and permit a new deal on voting machines.

This received no second.

Commissioner Czarnecki then moved that—

"I move that the final test upon the sample machine be hereby declared to be the binding test, and that it will be a test by the experts, by the public, by this Board and by civic bodies, and, further, that the final test will determine whether or not any installment of the Empire Voting Machine is to be purchased; and that this motion be hereby declared and ordered to take precedence over any action by this Board heretofore, which might be understood in anywise as inconsistent with this motion."

Commissioner Czarnecki then moved that the Empire Company deposit \$25,000 to guarantee the production of a sample machine, to be considered a bonus or compensation for excluding other machines from competing in Chicago until the time fixed for the delivery of the sample

October 3d, to be returned if the sample machine was furnished by the time named.

These motions did not receive a second.

“Mr. WINSLOW. Chairman Kellermann, do you know of any public examinations held under Section 18, of the specifications?”

“A. That is correct.”

The question was asked “What did you answer?”

“A. I know of none.”

2239 In reply to the Winslow protest, Commissioner Taylor stated that the Board had made exhaustive examination of voting machines, and the public has been furnished an opportunity to get acquainted with them by the Board of Election Commissioners.

2240 Witness told Mr. Hall of the International, that he voted for the Taylor resolution because he relied on the findings of the experts.

Commissioner Taylor stated that he did so because he relied upon the experts' and his own examinations.

2241 At the meeting of July 21st, Commissioner Czarnecki stated “I wish to submit a motion (reading motion as follows): ‘Whereas, a sample machine submitted is not the sample of the device which the Empire Voting Machine Company proposed to furnish to this Board, as indicated by the report of W. L. Abbott, Paul M. Chamberlain and William Wooley, today, but contains a releasing lever which the machine formerly submitted, did not have, and which releasing lever, upon the sample machine submitted, the three experts considered to be undesirable; and further, the experts themselves point out that the present slots for independent voting are not of sufficient size;

“‘Therefore, be it resolved by this Board, that, in view of the fact that the Empire Voting Machine Company still has nearly more than two months' time within which to submit the sample machine of the identical construction that the company proposes to furnish to the Board of Election Commissioners, that this Board here defer any further action in the premises until the device which the Empire Voting Machine Company proposes to furnish is actually submitted to the Board. Friday, July 21st, 1911, submitted by Anthony Czarnecki.’

“Mr. DENEEN. Q. Did that receive any second?

“A. It did not.

“Q. Did it receive any consideration. A. Did not receive a second.”

2243 The Election Commissioners investigated the accuracy of Mr. Czarnecki's statements regarding the two defects mentioned. They left it to the experts, and witness believes the deficiencies pointed out were made good eventually.

2244 Commissioner Taylor makes a motion to incorporate in the purchase contract conditions for the removal of objections pointed out by the experts and then moved

2245 “That any two members of the Board be authorized and instructed to execute and deliver a written contract of the Empire Voting Machine Company for the purchase of 1,000 voting machines, for the purchase price of \$942,500.”

2246 In the contract subsequently made the time of delivering of the first 500 machines was changed from nine months, as provided in the specifications, to fifteen months.

2247 Paragraph 11 of the contract provided that the payment for the voting machine purchase should be drawn out of current funds of the City of Chicago.

2248 The contract provided that the specifications should be attached to the contract as Exhibit A, but did not provide that the specifications should be made a part of the contract.

Witness believes the commissioners examined this provision carefully before they signed the contract.

2249 Commissioner Czarnecki asked for time to study the contract with a view to offering an amendment to it because “there is a penalizing clause, and there are other things that are missing.”

Witness says that Commissioner Czarnecki had time to examine the contract before this time, but the delay asked for was refused him.

2250 At the meeting of June 22d, 1911, Commissioner Czarnecki made a motion (found on pages 249 to 252 of the minutes of the Election Commissioners) concerning which Commissioner Taylor stated (page 251) that “all the points of Commissioner Czarnecki's motion could be entered of record, but his extensive remarks should be eliminated from the minutes.”

“Q. What was done with it, what consideration was given to it by the Board? A. It was given due consideration.

“Q. That ended it? A. That ended it.

“Q. Due consideration is that no second was made to it and not further considered. A. That is correct.”

Other motions made by Commissioner Czarnecki (found in this record at pages 2250 to 2252) were given no consideration.

2252-3 Notice was sent by the Election Commissioners to the City Clerk, and through him to the Mayor and City Council concerning the purchase of voting machines, the time of delivery of machines, the time of payment for machines, and so forth.

2253 This was the first communication had with the Mayor or City Council regarding payment of the voting machine obligation.

2254 Under the contract 200 machines had been delivered to and paid for by the City and 300 additional machines had been delivered for which payment has not been made.

The Election Commissioners have not endeavored to have the City pay for the 300 machines, nor discussed the matter with the Finance Committee or the City Council.

2255 The Board of Election Commissioners has not done anything to repudiate the voting machine contract, or considered the suing of the Empire Company for deficiency in the machines or returning the machines. The Commissioners expect the contract to be filled to the letter.

2257 Additional machines are due under the contract, but the Election Commissioners have not called upon the company to furnish them.

The County Judge drew a warrant for the 300 machines delivered and it was approved by the Board of Election Commissioners. This went to the City Council where there has been a discussion since January, 1913, as to whether it shall be paid.

2258 A vote has also been had in the City Council and it did not appropriate the money.

The Board of Election Commissioners to date has not taken steps to induce the City to pay for the 300 machines, or discussed that subject. The Board has not been sued by the company, or has it discussed with the company the matter of entering of judgment. This was discussed in the City Council by the Corporation Counsel, witness believes.

Witness has not heard that the Mayor suggested a confession of judgment for the machines.

Afternoon Session.
Thursday, August 1, 1913.

CHARLES H. KELLERMANN resumes the stand.

Further Direct Examination by Mr. Deneen.

2260 Voting machines were used in the primary election of April, 1912, witness believes, in three wards, the 1st, 21st and 18th. In most of the precincts two machines were
2261 placed, because the ticket could not be placed on the machine. Witness does not know that the names of candidates for committeeman were pasted on the face of the machine.

After this the witness, neither personally, nor officially, took steps to repudiate the contract.

Witness thinks the rent of storage room for voting machines in the Pugh Warehouse is \$300 per month.

Witness does not know how many are on the pay-roll at the warehouse, but thinks there are a custodian and a watchman. Witness says there are not 12 or 15 men there.

2262 When the machines are to be reset, help has to be taken out of the Election Commissioners' office and sent over to the warehouse.

Witness believes that the men at the warehouse are selected by the Clerk, Mr. Stuart, and believes that the custodian was selected by Mr. Stuart.

2263 The custodian has been there about a year and a half.

Witness agrees to furnish a list giving the names and addresses of each employee and the ward from which he comes and the pay-roll.

The cartage of machines has been about \$5 per round trip for each machine.

Witness does not know the aggregate amount paid out for storage, cartage, custody, and so forth, of the machine.

2264 There is a record of it which the Election Commissioners will produce.

Witness does not know how many machines "have been held in custody, or, rather, sealed by reason of orders of court," by reason of the election contests, and is asked to furnish a record of the number of machines that have been impounded.

Witness thinks the voting machines are handled three

times in preparation for setting up in and returning from election polling places. He will make a definite statement about the matter later.

- 2265 Witness does not remember how long a time was given by the old Board in 1907 for filing bids.

The statement in an editorial from the Daily News concerning gamblers being interested in voting machines was unknown to witness at the time contract was made.

- 2265 "Q. On September 26th, 1911, there was an editorial which was read here from the Daily News, stating that the sample upon which the order was placed bore serial number 3592, and that the plate on the machine showed it was made at Rochester, New York, by the U. S. Standard Company, and was the identical machine examined by the old Board; do you remember that editorial? A. No, sir, I don't.

"Q. Never heard of it until here? A. No, sir.

"Q. And made no investigation about it? A. No, sir."

- 2266 Witness read both the oral and written opinions of the Supreme Court in reference to Empire machine, the point of which was the failure of the machine to afford facilities to the average voter to vote in a minute.

The Election Commissioners did nothing after this decision to annul the contract with the Empire Company and have done nothing to induce the City Council to appropriate \$283,335 in payment for the 300 machines, but the Commissioners approved the warrant for them.

When the witness took his position as Election Commissioner, he did not receive any instructions from Judge Owens, regarding voting machines, nor about his duties as election commissioner.

Judge Owens never told the witness that he wanted him to support one machine or another, or that he, Judge Owens, favored the Empire, the Triumph, International, Wilcox, or any other machine.

"Q. In the meeting of June 1st, 1911, at page 71 of the copy which I have of the minutes, there appears a statement by Mr. Wheelock, appearing for the Empire, followed by a statement by you, and it is in connection with the matter you say you don't now remember. I will read it to you and see whether it refreshes your recollec-

tion: 'Mr. Wheelock: It would seem to me that the Board feels that any company that would be in financial condition to manufacture these machines as required by this specification, certainly would be in a position to pay the check required, and it seems to me it is entirely useless to give further time, a thousand people may come in here and say "I have not had time." They might say they only had not had time to raise the money or to put up the check, but that they had not had time to properly incorporate and get the money to build a factory with, and that they were not in a shape to manufacture machines; that their machines were not yet perfected; and they could constantly and continually be putting up objections and asking for a continuance of the opening of the bids.

" 'Chairman Kellermann. I will state, Mr. Wheelock, that the Judge (Owens) looks at it in this way: Should there be a machine that has not put in a bid, he says to allow them to come in and exhibit their machine—

" 'Mr. Wheelock. Yes.

" 'Chairman Kellermann. (Continuing)—and should their machine prove superior to any exhibited, why we have a right to reject any and all bids.

" 'Mr. Wheelock. Sure, and I will say it would be the duty of this Board, if a better machine should be exhibited later on, before a contract was let, and these machines could be manufactured and delivered here according to these specifications, it would be this Board's duty to let the contract to that Company.

" 'Chairman Kellermann. Yes, that is right. I think, gentlemen, we will proceed with the opening of the bids.'

"Q. Do you remember that remark by you, of Judge Owens' remark to let anybody that had a machine exhibit it at any time? A. That was the Judge's feeling in the matter.

"Q. Expressed to you and which you repeated to this Board meeting? A. That is right."

2271 On his trip to Pittsfield, witness saw machines and parts of machines at the factory and believes they had the tools to make machines.

2272 Mr. Farrell had suggested at Pittsfield increasing the size of the Triumph plant in case his company got the contract.

Witness did not know whether the Triumph people had the tools to make the voting machines under the contract.

Making tools is a slow process. Some are made by hand, some by machinery.

Witness did not know about the equipment of any company but the Triumph.

- 2273 Witness simply had information that the various machines had been made and sold throughout the United States.

Witness met Mr. Cannon, member of the old Board, at the rooms of the Election Commissioners.

Mr. Cannon said that he had a man from Iowa with a machine that might interest the Board.

- 2274 He did not give the name of the man. He said the machine could be put in a grip sack. Witness has never seen the machine and Mr. Cannon did not express any confidence in it.

Witness can say that, in his consideration of voting machines, he informed himself sufficiently to form an independent judgment as to whether the machines were practical, efficient, and desirable. His judgment regarding this was independent.

- 2275 The minutes of the meetings of the Election Commissioners concerning voting machines produced here before the Investigating Committee are practically as written up and are to be taken as expressing the facts, so far as the witness knows. Mr. Czarnecki was secretary of the commission.

The certified checks, which were afterwards returned to the unsuccessful voting machine companies, were deposited by witness in the Continental-Commercial Bank of Chicago.

Witness still believes the Empire Voting Machine is a satisfactory machine. "It is protected at the points where men handle them," and are an improvement on the old system.

- 2276 Witness still believes that the Election Commissioners made a binding contract with the Empire Voting Machine Company.

Cross-Examination by Mr. Mitchell.

Mr. Robert C. Barr, formerly a partner of the witness, was no relation of H. W. Barr, agent of the Empire Voting Machine Company.

The witness went to Pittsfield, Massachusetts, with no

particular motive, simply upon the invitation of Mr. Farrell.

2277 Witness was promised nothing but his bare expenses. Alderman Bauler was an intimate friend of the witness. At the time of making the contract, the witness thought the Empire the best machine of the four exhibited.

2278 Witness still thinks so.

2279 There was no concealment about the proceedings when the voting machine proposition was under consideration by the Board of Election Commissioners.

“Q. Was there any time when the doors were locked and anybody comprising the public was excluded from the meetings? A. Not to my knowledge.”

The public freely visited the Board rooms and inspected the four different machines while they were there.

2280 Witness does not think that the judges and clerks, the watchers and challengers were specially notified to attend and inspect the four machines.

“Q. Do you know that at the time Winslow filed his protest and for some time previous to that time, the Winslow Voting Machine Company had been trying to work a hold-up game on the Empire Voting Machine people? A. I have heard something to that effect.

“Q. Did you hear, at or about the time, or, rather before the contract was closed, that the Winslow Voting Machine Company, by a representative of theirs, asked Mr. Barr to buy out the Winslow Voting Machine Company by paying \$30,000 down and \$100,000 additional, contingent upon the Empire Voting Machine Company getting the contract? A. I heard something to that effect.”

2285 Witness does not know the officers of the Bureau of Public Efficiency. Has been told the president is Julius Rosenwald.

2287 Witness does not know of any official connection the Bureau of Efficiency has with the city, county, or state.

2289 Witness believed Commissioner Czarnecki honest in his opposition to voting machines and does not think that any ulterior motives actuated him or undue influence reached him during the negotiations.

2290 Witness had met Mr. Farrell a number of times outside of the City Hall, Chicago, of evenings in a social way.

Witness was president of the United Societies of Chicago, for two terms. Is not now. He was at the time of the voting machine transaction.

2292 Mr. Farrell had a machine in Chicago and witness went down to Pittsfield to see the Triumph plant. He was there Sunday and did not stop until Monday to see it in operation. Witness did not tell anybody he had inspected the Triumph plant.

2294 When the witness and his partner, Mr. Barr, dissolved partnership, they employed about forty men. Witness employed about the same number after the dissolution.

After July 11th the business was not increased, it fell off somewhat.

Extensive improvements were made in the plant costing about \$10,000.

Witness received no money from Mr. Barr in settlement of their affairs.

Witness paid Mr. Barr about \$5,000. This was about the middle of July, 1911.

The expenditure of the \$10,000 and the payment of the \$5,000 extended over a period of about one year. Witness was not making very much money.

2295 The partnership was not making money when it dissolved. Had been steadily losing money for a year or two.

Witness has no objection to telling where he got the \$5,000 and the \$10,000 mentioned, but does not want to state it publicly. The witness was willing for the Committee to have a statement from his books, which are kept right up to date and the balance drawn every month.

2296 Witness cannot answer as to where he got the \$5,000 and the \$10,000 without consulting his books.

Witness is still in business and employs about fifty men.

Witness has been a machinist for years and because of the protest filed with the Commission, made a personal examination of the voting machines.

2297 This was before the contract was made.

No other experts were present at the examination of the machine except Judge Owens' experts and the man Howland.

At the examination made by the witness before the contract was awarded, Commissioners Taylor and Czarnecki, and Mr. Howland were present, as well as some employees of the Election Commissioners' office, the witness cannot name.

Witness also had the representatives of different machines explain the deficiencies of their competitors' machines, Mr. Winslow and Mr. Farrell.

Mr. Farrell tried to point out some of the deficiencies

of the other machines to witness; not to anybody else that witness knows of.

2298 Witness does not know of a bitter personal quarrel between himself and Farrell when the contract was awarded, or that Farrell made certain charges against the witness.

2300 At the storage house for voting machines the Election Commissioners keep a workman and custodian. The custodian stays eight hours a day, same with the three watchmen who stay eight hours each.

2301 The machine mentioned by Mr. Cannon to witness was made by Mr. Gregory of Battle Creek, Michigan.

Witness saw Mr. Gregory in the presence of Mr. Cannon.

“Q. Did you state there, in the presenee of Mr. Gregory, that you thought that the Empire machine was not a good machine and you would not vote for it? A. No, sir.”

This meeting occurred about a week before the contract was made, is witness' best recollection.

2302 The witness talked with Judge Owens about having machines come in after the 30th of June when the contract was awarded, but did not expect to get any with certified checks for \$50,000.

Witness made a statement that if a machine superior to any of the four exhibited was produced he believed the Board would have acted.

The Election Commissioners did not advertise that they would consider machines up to the time of making contract, but they made no secret of it. No announcement was made, but if a man had produced a machine it would have been considered.

2304 The witness has no independent recollection of what he said about extending the time for bids, but depends on the record.

Witness did not talk with Judge Owens about the qualifications of the experts. He thought the Judge's approval was sufficient.

The witness did not talk with Judge Owens about the protests received by the Election Commissioners. Thought the judge knew all about them.

Witness thinks Judge Owens received the minutes of the Board meetings and knew the action of the Board every day.

2305 The witness did not talk with Judge Owens over the

telephone the day the contract was awarded, nor at any time about the awarding of the contract; nor did he receive word from Mr. Stuart as to his views.

The witness talked with Mr. Wheelock, attorney for the Empire Company, and Mr. Wheelock thought 25 days was enough for the companies to prepare bids. He did not talk with attorneys for any other companies.

2306 Witness found out afterwards that Wheelock was attorney for the Empire Company.

Witness did not talk with Judge Owens about the financing by the City of the obligation for the purchase of voting machines, neither personally nor officially.

The minutes state that the attorney for the Election Commissioners had furnished an opinion on the financial conditions of the voting machine contract, which was later to go to the Election Commissioners. Witness cannot remember that this was received by the commissioners.

2307 Witness was a candidate for County Recorder of Cook County in the primary of 1912, and spent about \$1,300 in the campaign.

2308 About \$800 was contributed to a committee and the remainder was outside expenses paid out by the witness personally.

ANTHONY CZARNECKI:

Direct Examination by Mr. Deneen.

2309 Lives at 2121 Haddon Avenue, Chicago. Is a newspaper man, and at present Election Commissioner. Was appointed Election Commissioner December 10, 1910, when Judge Owens took charge. Had been employed as a newspaper reporter by the Daily News, on and off, for 15 years, and by the Chronicle as railroad editor.

2310 When appointed, witness was connected with the La-Salle Street National Bank.

Witness is a Republican, a minority member of the Board of Election Commissioners. The other two members are democrats.

2311 Charles H. Kellermann was elected president and witness secretary of Election Commissioners. William H. Stuart was elected Chief Clerk.

Witness had known Mr. Stuart previously. When Stuart was chosen clerk he was connected with the Hearst news-

papers, the American or Examiner and had been with the Chicago Journal.

- 2312 Witness identifies the copy of the minutes produced by Mr. Dencen as the copy furnished by the Election Commissioners.

March 4th was the first time the voting machine matter came to witness' attention. Previous to that, in January, probably, Mr. Kellermann and witness had visited the Great Northern Hotel and seen the International machine.

- 2313 This was the only incident in reference to voting machines prior to March 4th, 1911; so far as witness knows, neither the other commissioners nor Mr. Stuart had experience in Election Commissioners' office prior to their appointment in 1910.

Witness had not discussed with his associates the purchase of voting machines for the City of Chicago prior to March 4th, 1911, nor with the County Judge, and had given it no previous consideration whatever.

- 2314 On March 4th, Chief Clerk Stuart brought up the voting machine matter.

Witness had no previous knowledge of voting machines, except what appeared in the newspapers when the previous Election Commissioners were considering the question.

At the meetings of March 24th and 25th the question of installing voting machines at the next primary election for experimental purposes was brought up. The different voting machine men exhibiting machines, except one, objected that they could not get machines here in time, and Mr. Haight representing Mr. Charles H. Merriam, who was candidate for Mayor, raised the point that for such machines as were used, the Election Commissioners should require a legal safeguard for each individual machine.

- 2315 The matter was brought to the attention of Judge Owens by witness and the Judge said that "he would not permit the full number that the voting machine man, Mr. Barr, wanted, but that a smaller number, namely, twenty, would be enough to start an agitation.

The only machines installed at that primary election belonged to the Empire Voting Machine Company.

- 2316 The machines installed, witness understood, were U. S. Standard machines. There was no public exhibition of voting machines at this time, but some machines were in the offices of the Election Commissioners.

2317 At the meeting of March 21st, Dr. Taylor moved 16 United States Standard machines be installed at the primary election of April 4th, 1911.

At the meeting of April 24th, Chief Clerk Stuart brought up the voting machine matter and stated it was time that some action was taken, and that he and Attorney Mitchell had drafted a draft of specifications which he desired to submit to the Board.

Up to this time witness had had nothing to do with the preparation of specifications.

On April 4th or April 11th, Chief Clerk Stuart said that the voting machine matter, with reference to which he had sent out letters, would be taken up after the Election Commissioners moved to their new quarters.

2318 At that time Mr. Stuart did not have the specifications to submit to the Board.

The draft of specifications submitted by Mr. Stuart April 24th, was a draft form taken partly from the old Board of specifications, copies of which were present, with many things left out.

Witness asked time to make a comparison of the specifications with those of the old Board. Chief Clerk Stuart stated that the matters left out were not important.

2319 Dr. Taylor moved that the draft be taken up at a later date and the Election Commissioners, had an informal talk that afternoon, and probably the next day.

1400 machines are mentioned in the specifications, the witness thinks, because it would be nearer to one machine for each precinct.

The voting machine law requiring 600 voters to a precinct, would reduce the precinct to about 700.

2320 Two days later the matter came up again and witness made motion that two bonds be required as in the old specifications, and for the full value of the machines. One bond was finally adopted.

Witness also moved for a certified check of 1% instead of 5% of the aggregate price to be required of the bidders and that 120 machines be purchased instead of 1200 as desired by the other commissioners. None of these motions received a second or was considered.

Witness thought 1% sufficient because he could not see what loss, except preliminary expense of advertising and other incidental expenses, the Board would be put to by failure to comply with the terms of the bid.

2321 Between the time the first draft of specifications was

submitted by Mr. Stuart, April 24th, and this time, two days, witness had had various consultations and made inquiries into the legal requirements as to what the specifications should be and it was after these consultations that witness' motions were made.

At this time the Board of Election Commissioners was busy about the election contest and in canvassing the votes of the 1400 election precincts of the city at the election of April 4th just previous.

2322 And also about moving its headquarters from the Rand McNally Building to the County Building, which began on April 18th and lasted a week.

2323 On April 11th, also, there was a judicial primary election and the commissioners were at work on all these things.

Witness moved to extend the time for filing bids from 25 days to 3 months because he did not consider 25 days time enough. The witness cited to the Board the fact that the old Board had given from January 15th to September 15th, 1909, for filing bids. Witness' motion received no second.

2324 The time was fixed at 25 days; that is, from April 28th, when the specifications were advertised, to May 22d, when the bids must be filed.

After the draft of specifications was received, the witness moved for time to examine them. Dr. Taylor moved that Chief Clerk Stuart be given authority asked by him to proceed at once and without delay to advertise. Witness' motion was not seconded and no time was given witness to read the proof.

Witness signed the specifications as secretary in the same form as the old specifications.

2325 On May 15th the Election Commissioners received a communication from the Wheeler Voting Machine Company which was read. Also a communication from the American Voting Machine Company, stating that they had received a letter from the Commissioners today, the 10th, giving them only 12 days to file bids, and asking an extension of time.

Mr. Winslow of the Winslow Voting Machine Company, appeared before the Commissioners, and made a protest against permitting any but a 70-key, 9-party machine to enter the voting machine contest, claiming he had such a machine which would meet the requirements of the ballot law.

The Board of Election Commissioners took the position that a smaller machine might be exhibited, but a sample 9-party, 70-key machine must be finally submitted.

- 2326 A protest was also received later from the Bureau of Efficiency and at the same meeting the labor leaders appeared and raised the question about union labor.

All of the protests were placed on file by a vote of 1 to 2, the witness uniformly voting against this disposition of the protests.

The time for filing bids was extended twice, four days each time, from May 22d to June 1st.

- 2329 Witness does not remember whether the protest of the Bureau of Efficiency was read. It was placed on file by the witness.

"Dr. Taylor moved that the protest of Mr. Winslow and the communication of the Chicago Bureau of Public Efficiency be received and placed on file."

The witness moved that the disposition of the matter be deferred until the following morning, so as to go over the proposition and write the parties with a view of agreeing or dissenting. Witness' motion received no second and Commissioner Taylor's motion was carried by a vote of Commissioners Taylor and Kellermann.

No discussion was had in the Board meetings, of any of the questions raised by the Bureau of Public Efficiency.

- 2328 No election commissioner had discussed with the Finance Committee, the City Council, or the City Comptroller, the subject of supplying funds to purchase voting machines, and no written opinion had been received on the subject, from the attorney of the Election Commissioners. Mr. Mitchell might have stated something on the subject.

At the meeting of May 24th, letters of protest were received from the Ergy Register Company, the National

- 2329 Voto Meter Company, the American Voting Machine Company, asking for extension of time. Also from the Calkins Voting Machine Company, from the American Voting Machine Company, of Wooster, Ohio, and from the Hoosier Voting Machine Company. All these protests were ordered placed on file. The points raised in the letters were given no consideration by the Board. Witness moved that each of the letters be given due consideration, and that an opportunity be given to all of these people to come and bid.

"Dr. Taylor stated that there may be other letters pour-

ing in for delay and that the only thing to do was to have the letters properly answered by the Chief Clerk.

"Chief Clerk Stuart said that they had all had due notice and it was too late to seek delay."

Dr. Taylor desired that the matter of delay be taken up with the County Judge, but witness does not recall any conference with the Judge or any report from him concerning the matter.

- 2331 "A. I think on that entire proposition, the Judge's position was that each commissioner should exercise his own judgment, and I know that he told me to act in accordance with my own conscience and in accordance with what I thought right, and that he gave free rein to each and everyone there to act."

Witness' conversation with Judge Owens, when the Judge made this statement, was had early in the matter of specifications.

- 2332 Bids were opened June 1st; at that time there was a discussion with the Judge regarding the employment of experts. Mr. Stuart originally suggested three names.

Witness did not know the men and wished to secure somebody representing educational institutions, so as to have the standing backing of such institutions. Judge Owens said he would look into the matter of experts.

Mr. Stuart, in fact, named them first.

The experts were chosen June 3d. They were, Mr. Abbott, Mr. Chamberlain, and Mr. Wooley.

- 2333 In discussing the subject of experts, the machine men, on June 2d, opposed the proposal of letting the experts of competitors be present, and the resolution adopted was that, the expert examination of machines should be made

- 2334 only in the presence of the representative of the particular machine under examination, the members of the Board, the chief clerk, and attorney for the Board, and in case of absence of a commissioner, a proxy for him, but that the above rules might be changed at the will of the commissioners.

Witness voted against the resolution because he objected to the proxy, and asked to have the members of civic bodies applying for permission to take part in the examination. There was no second to witness' motion.

- 2335 Witness knew none of the experts appointed.

A letter was received by Mr. Kellermann from Eugene Gregory, dated June 15th, 1911. It was read by the witness and submitted to the Board and placed on file.

Also a letter from the International Voting Machine Company, dated June 19th, offering to improve their machine in the points criticised by the experts.

- 2336 The letter was read in the presence of the Election Commissioners, and placed on file.

The report of the experts was received by the commission June 26th, 1911.

On June 30th witness called the attention of the Election Commissioners to the faults pointed out in the report of the experts, and asked the commissioners to make their own test of the grouping devices on the voting machines.

- 2337 There was no second to this motion.

On the same date Dr. Taylor moved that the Board of Election Commissioners purchase 1,000 voting machines. Commissioners Taylor and Kellermann voted "aye" and the witness, Czarnecki, "no."

Witness then moved to limit the purchase to 120 machines. The motion was not considered.

Witness then moved for an opinion of the attorney of the commission regarding financing the obligation. There was no second to this motion.

Mr. Mitchell stated that he had furnished an opinion to Judge Owens and that the opinion would be delivered to the commission in due time.

- 2338 Witness moved that a conference be had with the city officials in reference to payment. This motion received no second and was not discussed.

Witness then made a motion that the Empire Voting Machine Company be required to overcome the defects pointed out to the Board of Election Commissioners in the report of the experts. "Cumbersomeness, and lack of restriction of inspections. The inability of a voter casting a straight party vote to see any indications as to the names of the candidates he voted for and against the absence of a party-lever, the absence of any printed record of the counters before and after the voting takes place, the absence of a grand total of both straight and individual votes at the close of an election."

Dr. Taylor stated that the motion did not entirely state the facts and "should not be considered because it was a move for delay."

This motion was not seconded.

Commissioner Kellermann stated his reason for awarding the contract to the Empire Company was that he was

2339 relying upon the opinion of the three experts appointed by Judge Owens.

Witness made a motion that a public exhibition be held in conformity with section 18 of the specifications. Dr. Taylor stated that at no time was anybody denied the opportunity to come into the board rooms and examine the machines on exhibition. Witness' motion received no second.

2340 Witness made a motion for a referendum to deal with the question of expenditure of the sum required for purchasing 1,000 voting machines. It was not discussed and received no second.

Dr. Taylor called attention to the large vote of the people in favor of voting machines and said that the motion was merely for delay.

2341 Attorney Mitchell said that the motion was for something illegal, that the proposed question could not be placed upon the ballot.

Commissioner Taylor moved the adoption of his resolution to purchase 1,000 voting machines, which was adopted by a vote of 2 to 1, witness voting "nay."

July 1st, 1911, there were received from the Triumph, Winslow and International Voting Machine companies, the unsuccessful bidders for the Chicago contract, "pro-
2342 tests against the adoption of the Taylor resolution."

Dr. Taylor stated that the resolution gave the Empire Company no legal right and no special benefit, that it was merely a notice that the board stood ready to enter into the question of purchase, upon production of a sample machine of a proper character complying with all the needs and requirements of the election and voting machine laws of the state, and that if the Empire Company did not comply with the conditions within a proper time, everything would commence anew.

2343 Dr. Taylor also stated that the contract would contain a provision that "if, after the first installment, the machines did not comply with our requirements, the contract will be null and void."

Commissioner Czarnecki moved that a time limit for the production of the sample machine be fixed not later than December 30th, 1911, and that upon failure of the Empire Company to produce a sample machine within this period new bids be advertised for.

Commissioner Taylor said the question of time limit would be taken up next Monday.

“Mr. Hall, in behalf of the International Voting Machine Company, stated that his company expected a thorough examination to be made by the board as well as by the experts of the machines, their diagrams, plans, printed information furnished to the board under the specifications; that he desired to protest to the board against the manner in which the investigation of the International machine was conducted; calling special attention to the fact that all drawings, instructions, date, and information to the board in sealed packages, were returned unopened, with the seals unbroken, to the company.

“Q. Was that true, as a matter of fact? A. Yes, sir, they got their packages back without the seal being broken.

“Q. State to the Commission what you know about that. A. I know that there was a number of packages that was brought in, but they called our attention to them that they had not been broken at all.

“Q. Didn’t Mr. Hall refuse to receive back his packages until you had certified as secretary that they had not been broken? A. I think they asked some certification.

“Q. You made a certificate to that effect, that they had not been broken? A. Yes, that is true.

“Q. You wrote on the envelope? A. I wrote on the envelope they wanted to show—

“Q. Did Mr. Winslow make a statement to that effect, that the seals had not been broken on his bid? A. Mr. Winslow, on behalf of his company, stated that the seals were not broken, from the time they were turned over to the Election Commissioners, and that he protested against such ignoring of the specifications.

“Q. Do you remember whether you wrote on the seal of his package that they were not broken? A. I think they came all at once, I don’t remember just how many packages I signed for.

“Q. Do you remember whether the seals had been broken on the Empire voting machine bid? A. I don’t know that the Empire called my attention to it.

“Q. There was no complaint about it? A. There was no complaint by them.”

Dr. Taylor moved that “if the voting machine companies desired to present a protest they are at liberty to do so in writing.”

2347 “The CHAIRMAN. There is a gentleman here who would like to be entered of record, for the Chicago Tribune, and

would like to make a statement at this time. His name is Thomason—S. E.?

“MR. THOMASON. Yes, sir.

“THE CHAIRMAN. The committee should, I believe, and will grant him the privilege, as they have the other attorneys in this case, to make a statement.

“MR. THOMASON. Mr. Chairman, and Gentlemen of the Committee: I understand that there was offered in evidence yesterday before your committee, a statement of Lloyd Duke, of Ottumwa, Iowa; that an objection was made to that statement by the attorney for Andrew Lawrence, I believe, who is of record here, and that matter was taken under advisement by your committee, if I am correctly informed, and this morning there was offered by the attorney for Mr. Lawrence, a statement, an affidavit of one Mr. Marriott, an employee of the Chicago Examiner, if I am informed correctly, with the suggestion that it be considered by your committee in determining whether or not the other statement should be accepted in evidence. In view of the conflicting nature of these statements, it appeared to me that this might be taken to be a sort of a contract of silence, and in behalf of the Chicago Tribune I desire to make the request of your committee that both of these statements be accepted in evidence by your committee and be made the subject of the fullest inquiry. The second statement having to do solely with the Chicago Tribune and its general manager, in its contents, I think
2348 I am pertinently making this request at this time.

“MR. WALKER. I wish to join in the request of the gentleman, I think it is but due. After I handed this affidavit to this committee this morning in silence as to its contents, and I asked the committee to consider that with the other document before they passed upon their motion because the committee had reserved the right at another time to introduce any evidence or let in evidence. Therefore, I am here for the purpose of saying that the thing should be thrown wide, it should have been wide open in all of its aspects after the first document got in, putting the documents in evidence, and now that something else has occurred, I am perfectly willing that both documents shall be in. In point of fact, I ask it, it is no more than right to ask it.”

2353-4 “MR. McEWEN. I wish to say this; this question arose last Thursday. I objected to it, representing Judge Owens, believing it was not proper legal evidence. I

thought so then and I think so now, because I thought it was unreliable, I thought it leads off in the by-ways and the hedgeways and paths where we did not know where we would end. When this matter came up today I had the same opinion about that; I have received word from Judge Owens, practically instructing me to be quiescent, I have received word, but I don't want to be considered as withdrawing objection, I can be overruled and sit still and quiet, I think I can demonstrate that to the committee if you give me a chance, but as a lawyer I don't feel that anything that I have said here has not been well taken and I have nothing to take back; if these gentlemen want to try out another issue that is their business, not mine, and I will endeavor to remain quiet while they do it."

2355-6 "The WITNESS. Mr. Chairman, I am still under oath, and I am not here represented by counsel, either in the role of prosecutor or defendant; I read the last paragraph of their affidavit in which my name is dragged in. As I said, I have no counsel and I am not going to have counsel. I want to say here that I have no objection to anything being brought up, though it be as that is, either the vamping of a crazy man, or the result of a conspiracy of crooks—I don't know which it is; I think that each man whose name is mentioned therein—I did not read the affidavit—is just as much interested in it as Mr. James Keeley, or either party on either side."

2357 "The CHAIRMAN. The ruling is that both documents will be admitted and will be read by Mr. Whittaker.

"Rep. KASSERMAN. I want the record to show that it is my opinion that neither of these documents should be received in the record, even with the consent of the attorneys on either side."

"Sen. CANADAY. I am of the same opinion and join in that.

"Mr. MITCHELL. On behalf of the Election Commissioners I oppose the introduction of the statement."

EXHIBIT 1.

FOR A. M. LAWRENCE.

L. I. B. 8/14/13.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

I, Edward E. Marriott, of the City of Chicago, County of Cook, State of Illinois, being duly sworn, on oath, state:

That I was in Ottumwa, Iowa, on August 8th, 9th, 11th, 2358 and 12th, 1913, and there had interviews with John W. Gray, Thomas H. Pickler, Newton L. Arrison, Lloyd L. Duke, Charles A. Walsh, Edwin G. Moon and others, in relation to a statement made by said Duke and given, by him, to H. A. Boyer, of Illinois, and offered in evidence before the Butts Legislative Investigation Committee, in Chicago.

Said John W. Gray, who was formerly Chief of Police of Ottumwa, Iowa, told me that one day in the winter of 1911-12, H. W. Barr, agent for the Empire Voting Machine Company was at the Ballingall Hotel in Ottumwa, Iowa, and had told him said Gray, Thomas H. Pickler, former Mayor of Ottumwa, and Newton L. Arrison, former City Clerk, the real facts connected with said voting machine contract in Chicago, purporting to be given in said statement given by Duke to Boyer.

Gray said to me, "Barr was in the Ballingall Hotel, and Pickler, Arrison and I were with him, trying to get him to pay us money which was due from him to us on a con- 2359 tract for services which we had rendered in introducing Barr to Charles A. Walsh, of Ottumwa, and getting Walsh to help the Empire Company in Chicago.

"Barr told us that he had paid big money to get the contract but that the big mistake he had made was not to give fifty thousand dollars to Jim Keeley, publisher of the Tribune. Barr said, 'Jim Keeley demanded fifty thousand dollars, but we refused to pay him. If he had got that there would not have been any of this trouble with the voting machine contract. The Tribune and the other papers had always been for voting machines and they would never have thought of fighting the contract if the

Tribune had not started trouble when we refused Keeley's demand for fifty thousand dollars.'

2360 "Charles S. Deneen and other big politicians are trying hard to get Pickler, Arrison and me to testify, so as to hurt Lawrence, politically, in Chicago. When Governor Deneen came here last Sunday night, Newt Arrison and I got word from him to be at the depot and we got there before the 11:20 train from Omaha got in. Deneen had been to Omaha and had seen Pickler, but he could not get Pickler to testify in the way he wanted so he wired us to meet him. Deneen tried every way to get me and Arrison to testify against A. M. Lawrence. He tried to get us to back up the statements made in the paper given by Duke to Boyer. Deneen said he understood we claimed a thousand dollars from Barr, but he offered to assume the thousand dollar contract made by the Empire Voting Machine Company, and pay us that thousand dollars and another thousand dollars, too, as well as all our expenses. He told us, 'If you fellows will tell the whole story like it is in that Duke statement we shall have enough to drive Andy Lawrence out of Chicago.'

"Deneen and Butts put a thousand dollars in a National bank for us, to induce us to do what he asked.

"My name is mentioned in the papers as being one of those referred to by Duke in the statement he gave to Boyer, but I tell you that I never went to Chicago on the voting machine contract and never saw Andrew M. Lawrence in my life. Lloyd L. Duke's statement is full of lies. He is a crooked lawyer and has betrayed the interests of Arrison, Pickler and myself, who were his clients. He ought to be disbarred and we will try to have him disbarred. He gave out this lying statement after he knew our legitimate business claim against Barr had been settled."

In interviews which I had with said Newton L. Arrison at the Hotel Ballingall and the Hotel LaClede and elsewhere in Ottumwa, said Arrison said to me:

"I was the one of us three who went to Chicago in January, 1911, to see Charley Walsh and get him to help H. W. Barr on the voting machine contract, but it's a big lie for Duke to say, or imply, in his statement given to Boyer, that I know anything about Andrew M. Lawrence getting a hundred thousand dollars or any other amount. I never saw Andrew M. Lawrence in Chicago, in 1911, when I went there to introduce Barr to Walsh, and I

never spoke to A. M. Lawrence about the voting machine matter. I have not seen him at all for more than three years.

"I hate Andy Lawrence worse than poison and would like to send him to hell if I could do it without harming my friend Barr.

"If it wasn't for my friendship for Barr and my love of fair play, I could hardly resist the offers of big money that are made by Deneen and others to any of us fellows who will go to Chicago and back up the things put forth in that paper that Duke gave to Boyer.

"Big money is being offered us and all sorts of inducements. If you knew of the work done here in Ottumwa this last week, by George E. Brennan, of the Roger Sullivan crowd, to get us to go against Lawrence, you would go up in the air.

"No one should believe Duke's statement. He has shown himself in his true colors by giving out an unsigned, unsworn statement, telling about our claim, after it has been settled, though he was too cowardly to put our names
2361 in the statement. If there is any way of getting him disbarred, we will do it. He ought to be disbarred.

I had several interviews with former Judge Edwin G. Moon, counsel for H. W. Barr of the Empire Voting Machine Company, and member of the law firm of Gilmore & Moon. These interviews were had in Gilmore & Moon's offices, on Main Street, Ottumwa, Iowa, on August 9th and 11th. Moon said to me:

"Newton L. Arrison and J. W. Gray have each and severally told me the same story, to the effect that H. W. Barr, agent for the Empire Voting Machine Company, told them in his room, at the Hotel Ballingall, Ottumwa, one night in the winter of 1911-12, that it would cost him a big sum to get the Chicago voting machine contract for the Empire Company.

"H. W. Barr had told the same story to me and to my law partner, Merrill C. Gillmore, in our office in Ottumwa. Barr said to us, 'The mistake we made was when we refused to give Jim Keeley, of the Tribune, the fifty thousand he asked and then we would not have had this fight against the Empire voting machine contract in Chicago.' I have a thousand dollars in my possession, given me by the Empire Voting Machine Company, to be turned over to Pickler, Arrison and Gray, in payment for their

2362 services to Barr. Their claim against Barr is all settled, and Lloyd L. Duke's statement is all wrong.

2363 "Charles S. Deneen was in Ottumwa last Sunday night making strenuous efforts to get Arrison and Gray to go to Chicago and back up statements made by Duke in regard to Lawrence and Barr in the voting machine contract. Deneen told Arrison and Gray that if they would testify in Chicago he, Deneen, would assume the one thousand dollar payment, promised by the Empire Company, and pay them lots of money besides. Deneen, Butts and the other politicians have fifteen thousand dollars to spend to get the testimony and a few thousands more. He also told them that, if they would back up Duke's statement it would be all he needed to drive A. M. Lawrence out of Chicago."

Charles A. Walsh, of Ottumwa, whose name is mentioned in the statement, given by Duke to Boyer, said to me:

"In December, 1910, I promised Arrison, Gray and Piekler that I would help them to get H. W. Barr introduced at the Chicago Election Commissioners' office, where he wished to apply for a voting machine contract. Arrison came from Ottumwa to Chicago, in January, 1911, and took me to the Grand Pacific Hotel where I met Barr. Afterwards I introduced Barr to Chief Clerk Stuart of the election board. Barr wanted me to introduce him to Andrew M. Lawrence and I asked Mr. Lawrence if he would meet Barr. Mr. Lawrence asked me, "Who is Barr." I answered that he was a representative of one of the companies that manufacture voting machines and was seeking to place an order in Chicago. Mr. Lawrence replied that he would not see any of the voting machine
2364 men or have anything to do with them. On two or three subsequent occasions, when Barr later asked me to approach A. M. Lawrence and arrange for an interview, Mr. Lawrence again positively and emphatically refused to meet Barr. Barr and Lawrence were never together in my presence at any time, and to my knowledge, Barr never met Lawrence.

"This statement, given by Duke to Boyer is part of a political plot and is full of lies. If any money was paid by the Empire Company it was not to Lawrence. Barr told me that Anthony Czarnecki sent several messengers to him, Barr, at different times, saying that, if Czarnecki

were taken care of in a money way, the fight against the Empire Company would be ended.”

(Signed) EDWARD E. MARRIOTT.

Subscribed and sworn to before me this 13th day of August, 1913.

(Signed) E. J. BANGS,

(NOTARIAL SEAL)

Notary Public.

My commission expires January 18, 1914.

The so-called Duke statement was then read as follows :

2364 “We have lived in Ottumwa for thirty-five years, fifty
2365 years, and fifty-five years, respectively.

“That we first became acquainted with H. W. Barr of the Empire Voting Machine Company about four or five years ago. That after this time an attempt was made to sell Wapello County voting machines and the deal would have been made had it not been for a protest on the part of the citizens of this city going in a delegation to the Board of Supervisors of Wapello County.

“About two years ago H. W. Barr of the Empire Voting Machine Company stated that he believed that he could sell his voting machines to the City of Chicago, provided he could secure influence with the Hearst-Harrison people and especially if he could secure the influence of Andy Lawrence. He said he was satisfied that unless he could get in contact with and acquainted with Lawrence and the Hearst people he could not make the deal. We informed him that we believed we knew how he could get acquainted, the deal might be accomplished through Charles Walsh, who at that time was connected with the Hearst people. Barr stated that in the event he was able to make a contract he would pay us fifteen hundred dollars.

“In January we selected one of our number and we and Barr agreed that it would perhaps be best for only one of us to go to Chicago.

2366 “After the consultation with us in Ottumwa, H. W. Barr wired me from Chicago to come to Chicago the next day. I think it was on January seventh, on Tuesday or Wednesday, I went to Chicago. Barr met me at the Union Station and we went to the Examiner office and I walked into the Examiner office while Barr went to the Grand Pacific Hotel. I went into the Examiner office for the purpose of getting Charles Walsh and after a short time Walsh and I went to the Grand Pacific Hotel. I then in-

troduced H. W. Barr to Walsh. We stayed there all afternoon talking about the best method to proceed to get the machine placed in the City of Chicago. Walsh said he would get Barr in connection with Andy Lawrence and other prominent men in the Hearst aggregation. Walsh took us to the Election Commissioners' office and introduced us.

"Before leaving Chicago I asked Barr if I had accomplished what he expected of me. Barr said yes, I had delivered the goods and done more than he had expected and that he was satisfied.

"It was in the following fall sometime, that Barr came to Ottumwa to try to reopen the matter concerning the sale of machines to Wapello County.

"He said he would now tell us about how he managed to get the contract for the sale of the machines in Chicago. He said it had cost him a great deal more money
2367 than he had expected. He and Walsh had a number of meetings every day for several days and which finally resulted in a meeting with Andy Lawrence. Barr then set forth his proposition with regard to the sale of the machines.

"For some time, Barr stated, they could not get together or come to an understanding with Lawrence. Finally, Barr said, we made out a list of expenditures necessary in order to make the deal and placed it before Lawrence. It was a list of the amounts that would have to be paid to different parties for their influence to consummate the deal. Walsh was on the list for fourteen thousand dollars, and Lawrence for eighty-five thousand dollars, as I remember the amounts. The list was then revised by Lawrence. He came to Walsh's name and the fourteen thousand dollars and stated to Walsh that he wanted to know why Walsh was to have that amount of money, that Walsh could not deliver anything. Walsh then said, 'put the fourteen thousand over in the Lawrence column.' When the list was finally completed Lawrence was to have one hundred and five thousand dollars. Barr said the deal had cost him something like two hundred thousand dollars to place the machine in Chicago. Barr said he had already drawn out about one hundred and eighty thousand dollars from Chicago and that he had paid out more than that. He said he also had to fix up some matters with the Gray Wolves in order to keep them quiet. He said he was going to ask his company to make a further

2368 appropriation of ten thousand dollars to take care of some additional claims.

“Further facts will be given later and each of the details with reference to exact dates and corroborating circumstances will also be given.”

VOLUME XXIII.

Morning Session.
August 15, 1913.

ANTHONY CZARNECKI resumes the stand:

2372 A protest by Mr. Winslow and one by Mr. Hall of the International Voting Machine Company were received by the Election Commissioners.

Witness cannot remember whether Mr. Farrell, as well as Mr. Winslow and Mr. Hall, complained that their packages of blueprints and so forth had not been opened.

2373 Dr. Taylor made a statement after receipt of the complaint of Mr. Winslow that the “experts as well as the Board of Election Commissioners” had done everything to satisfy themselves as to the proper thing to be done.

Mr. Kellermann and a man in his employ were present during the examination of the experts, and Dr. Taylor part of the time.

Witness does not know of any other investigations made by the commissioners. The board officially never met to hear complaints.

2374 Mr. Farrell complained that the experts spent two hours and twenty minutes on the first examination of his machine, of which a great part was spent in discussing the general requirements of voting machines and that the second examination of his machine was trivial.

2375 Mr. Farrell also stated that the experts reported that the Empire machine complied with the Illinois state law, but that it could not be voted in the time required by the state law, and so forth.

2376 These protests and all other protests in writing were presented and placed on file.

The International protest complained that the board had acted on the report of the experts without giving the company a chance to be heard and that the public hearing provided for had never been held.

The written protest of the Winslow Voting Machine Company was submitted July 13th and was read by the board.

- 2377 The witness made a motion to rescind the action of the board in adopting Commissioner Taylor's resolution to notify the Empire Company that its machine is preferred and that the Board is ready to enter into a contract.

This motion was made in view of the protest which had been filed. It received no second.

- 2378 Witness made a motion to rescind the action of the board and reopen the whole proposition of voting machines. This motion received no second.

Dr. Taylor renewed his motion to place the written protests on file.

Witness moved to fix a time limit at October 3, 1911, for the production of the sample machine. Dr. Taylor seconded this motion, which was unanimously carried.

Witness then moved that failure to deliver the sample machine as provided should end negotiations with the Empire Company and open a new deal for voting machines. This motion was not seconded.

Witness moved that the tests upon the sample machine be deemed the binding test and will determine whether any Empire voting machines are to be purchased.

- 2380 Witness moved that the Empire Voting Machine Company be required to deposit \$25,000 to guarantee the production of a sample machine to be forfeited to the City Treasury as damages and so forth, and to be returned to the Empire Company upon the production of sample machine within the specified time. This motion received no second.

- 2384 July 21st a communication was received by the Board of Election Commissioners from James C. Garrett of San Francisco, who claimed to be in litigation over patents with the Empire Company.

Witness moved to have the communication referred to the attorney for the board.

Dr. Taylor moved that it be placed on file.

It was placed on file.

The second report of the experts appointed by Judge Owens was made at the meeting of July 21, 1911.

- 2385 It related to a 9-party, 70-key machine. This was the sample machine which, under the motion of Commissioner Czarnecki, was to be produced by October 3, 1911.

This machine, a large machine of that type (indicating

the Empire machine present in the room) had on its front a plate "Made at Rochester," and the machine was photographed by somebody.

- 2386 Witness does not remember the serial number, but "some ladies came in there for somebody and made a record of that and called me out of the room and asked me to look at the back of the machine."

Witness is handed photographs and asked if he can identify them.

"A. 'Manufactured by the Empire Voting Machine Company, Jamestown, N. Y.'; that is about what the plate was, it was taken by a young man."

"That was a part of the board room (indicating) where the machine stood; that is about what that plate was there." Witness refers to exhibit marked State's Exhibit 1 of August 15, C. S. D.

- 2387 On the sample machine the witness pointed out the smallness of the slot for independent voting and asked the expert Chamberlain to write in the names of "a sufficient number of presidential electors." When he got through it would require a magnifying glass to read them. Next day the report of the experts recommended that "ample opening for independent voting be provided."

- 2388 The serial number of the machine was taken by stenographers who were called in by the man who made the photographs, whose name was Keppler. Witness does not know whether the machine was an old machine or a new one; he had never seen a 9-party, 70-key Empire machine before.

- 2389 Witness knows beyond question that the plate on the machine said "Rochester." It was commented on afterwards in the newspapers.

Pages 2389 to 2392 contains a statement by Mr. Deenen contending that an old 9-party, 70-key machine which had been examined and discarded by the old Board of Election Commissioners was presented by the Empire Company as the sample machine required under the contract and examined by Judge Owens' experts and calls attention to the fact that Judge Owens' experts failed to identify the machine they examined, either by nameplate or serial number.

- 2392 Witness moves that since the experts' report on the 9-party, 70-key Empire machine pointed out certain defects in the machine, that no further steps be taken by the Election Commissioners "until the device which the

- Empire Company proposes to furnish is actually submitted to the board." This motion received no second.
- 2393 Dr. Taylor stated that after conferring with the experts he is satisfied that the two defects pointed out in their report are immaterial in their nature and can be easily remedied.
- 2394 Thereupon Dr. Taylor moved the adoption of his own resolution for the purchase of 1,000 voting machines at the price of \$942,500.
- Attorney Mitchell furnished copies of the voting machine contract to the Election Commissioners and read it.
- 2395 The differences between the contract and the specifications were not pointed out at this time because, so far as witness was concerned, the contract was brought in so unexpectedly "I had no notice that it was to be taken up that day."
- 2396 "This was the first time the contract was produced before the board, and witness moved for time to study it. His motion received no second.
- 2397 The Taylor resolution for the purchase of voting machines is passed by the votes of Taylor and Kellermann, witness Czarnecki voting "nay."
- 2399 Witness made a motion summing up the various objections to the voting machine and the lack of time on the part of the commissioners to consider the machine or the contract; that 120 machines should be bought as an experiment before entering into a contract for 1,000; nothing was done upon this motion.
- 2400 At a meeting of November 16th the question of serving notice upon the city came up. Witness voted against sending such notice.
- 2401 Witness explains the attaching of his signature to the specifications. He did it under protest, not as approving the specifications, but to conform to the old board's specifications which has the signature of the secretary of the board attached.
- 2402 "I voted against every payment, not only of the machines, but for the costs incidental to the storage and cartage."
- "Rep. JAYNE. Q. Mr. Czarnecki, will you tell us, when these specifications were made, were you a party, a member of the board, when the specifications were made, did you help make the specifications.
- "A. I did, yes, sir; that is, the first draft was brought in one day and then one day intervened, and the third day

they were brought in, for final adjustment, I brought in a lot of final suggestions.

2403 “Q. You—did you assist in making the contract? A. No, sir, I didn’t know that there was a contract in existence or that it would be sprung at the board meeting, until it was over, until it was there.

“Q. Were you consulted about the contract? A. No, sir, not whatever.

“Q. Were you present at the board meeting the day the contract was awarded? A. Yes.

“Q. On June 30th? A. You mean when the resolution of Dr. Taylor was adopted?

“Q. The day the board decided to adopt the Empire voting machine, were you present? A. Yes.

“Q. How long before that had your board decided to give the contract to the Empire Machine Company, had the board talked it over before June 30th? A. No, I had no notice that they were to give it to the Empire?

“Q. But on the day the contract was given? A. Whatever notice I had was in the board meetings.

“Q. The day it was awarded, was that when they decided? A. The first I knew of the contract was when Mr. Mitchell read it in the board meeting, it was the meeting at which it was approved and adopted by a majority vote.

2404 “Q. You objected at that time, did you? A. Yes, sir, I asked for time to read it and offer amendments.”

2405 It was necessary to have two machines in each precinct to meet the conditions in each precinct. There were 350 to 400 voters allotted to each precinct at that time.

The precincts had not then been redistricted with a view to voting machines. 350 included male and female voters.

2407 “Rep. JAYNE. Was it (the award to the Empire Voting Machine Company) discussed with you in the board meeting?

“A. Not before it was sprung; the first intimation I had of that was when the resolution was sprung. In view of the passage of my resolution for giving the Empire people time to October, and in view of the second report of the experts suggesting certain things for what was to be the sample machine, I was surprised that immediately thereafter in that same meeting the proposition of the contract was presented.”

Witness had no advance information that the experts

would report on July 21st when the report was brought in by Mr. Stuart; but knew that Messrs. Chamberlain and Wooley were examining the machines the day before.

The storage charges on voting machines at the warehouse are \$300 per month with additional charges for space to handle machines in case of a recount which also costs about \$300 per month.

2408 Witness does not know the exact number of men employed at the warehouse. "It is quite a crew of men for assemblers and various other duties there."

Mr. McEwen produces a paper said to be a list of employes at the Pugh Storage Warehouse.

2409 The list does not give the salaries of employes, but witness states they average \$4 per day.

2410 "The WITNESS (reading). 'I hand you herewith report showing men assigned to work on voting machines from October 21 to November 16, 1912, inclusive, setting forth the work performed by each man. I transmit also a memorandum of the report of police officers detailed to guard machines at warehouse while being transferred from polling places to the warehouse.'

"November 5th—I will read the October first, this is disarranged.

"W. H. Clark, demonstrating, putting on ballots, proof-reading same."

"Hert—I think his first name is Rudolph, demonstrating, packing, packing lanterns.

"T. D. Burke, demonstrating, examiner.

"Rep. KASSERMAN. Were these men employed during this entire time?

"A. This is October 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31; November 1, 2, 3 and 4.

"Rep. JAYNE. How many days is that?

"The WITNESS. Each one has the number of days stated; Clark, for instance, has ten days.

"Rep. JAYNE. Call off the number of days; start from the beginning.

"The WITNESS. William H. Clark, ten days. Rudolph Hert, 11½ days; he is demonstrating, trucking, packing and packing lanterns.

"T. D. Burke, demonstrating, examiner, 13 days.

"Charles Kuhn, paper rolls, assembler, examiner 14½ days.

"Frank Conboy; assembler, examiner; 4 days.

2420 "A. That is a complete list as furnished by Mr. Hoff."

Witness thinks the night and day watch is maintained at the warehouse, three shifts.

Mr. Sapp, Mr. Sullivan and Mr. Hoff worked together a good deal on the ballots and preparation of the face of the machine and with the men at the warehouse.

During the recounts of ballots, the entire Board of Election Commissioners went to the warehouse every day. Witness has not been there lately. There are about 500 of the machines at the warehouse.

2421 The contract calls for 1,000 and witness has been looking for further storage rooms in different parts of the city so as to save the long haul of the machines at election time.

Mr. Stuart assigns the men to the warehouse.

2422 Witness thinks handling machines costs about \$5 per round trip per machine; some of the warehouse men went along with the carriers.

2423 It was the custom under the old board to appoint custodians of the warehouse upon the recommendation of ward leaders. Witness was not so recommended.

2424 Ward leaders' recommendations is the system used in the appointment of judges and clerks of election. This is not followed exclusively. "A Republican comes in and files an application and we give him a chance to get in."

As a rule the men employed at the warehouse are active in the various factions of politics, who have had experience in politics.

2425 Mr. Stuart assigns the men to the warehouse and they are under the direction of Mr. Hoff.

Witness had nothing to do with these appointments, nor, so far as he knows, did either of the other commissioners. Mr. Stuart had charge and could change the assignments of men to the warehouse.

The only check the commissioners had upon the work of Mr. Hoff and the warehouse men in setting the machines, preparing the paper ballots, and so forth, was the record kept by Mr. Hoff.

2426 Mr. Stuart went to the warehouse but spent most of his time at the Election Commissioners' office.

Mr. Chamberlain, the expert, gave instructions to the men of the warehouse and Mr. Hoff was supposed to conduct a school there.

2427 The number of employes employed by the Election

Commissioners has not diminished since the purchase of voting machines; about 40 extra men are at present employed.

Witness does not know how Professor Chamberlain was employed. Mr. Stuart made the arrangement.

- 2428 Witness does not know what Mr. Chamberlain was doing when visiting the polling places election day, or the purpose of it. Witness was not consulted.

Witness never heard representatives of the different parties were present when the voting machines were prepared for elections at the warehouse or when they were returned there.

Representatives of some candidates have been invited to the Commission to watch the printing of ballots in the printing shop.

- 2429 The witness thinks that men are employed preparing machines for about ten days prior to an election. Witness does not know whether the men worked at night or not, or who had access to the keys to the Pugh warehouse. Witness did not have.

- 2430 Judge Owens selected the chief clerk and the board appointed him at the Judge's request.

At the time of the voting machine contract witness was in favor of a voting machine that would meet his judgment.

- 2431 A machine to meet the judgment of witness would have to comply with the state law and meet his objections to the Empire and other machines which were submitted and would have to have some features which ought to be on any machine.

Witness thinks he would have voted for a machine that complied in all respects with the state law.

- 2432 The Empire machine failed to meet the state law. It did not vote in a minute. It did not give a record of the count on the irregular voting, or total the count.

Witness does not recollect whether the law requires a machine to foot up the grand total, but thinks the machine, in having too small a slot for irregular voting failed to comply with the law.

- 2433-6 Witness enumerates the features of a voting machine not found on the Empire machine, such as he would require before favoring it, such as printing, visible voting, limited inspections, totalling the vote, device to lock the machine against the judges and clerks, inspection of

counters to see how candidates were running, and so forth.

2436 As it is now, the three judges, or one of them with three keys, can look at the voting machine and see how a man is running.

2437 The Empire machine does not meet the election conditions of the City of Chicago.

"A. Well, it is a very heavy machine; the cartage, the luggage, and, another thing; if we have—as we had on April 4th—an election, and on April 11th a primary, a canvass of the votes of the elections would take a few days and then you could not use those machines for a primary unless—of course, I am not a lawyer. It may be that you could get a special order of some court to release the machine, but the record would be destroyed with reference to what that machine shows in case of a contest. Now, if you had a printed record, that printed record would remain even though the machines were used for some—"

2440 "Sen. LANDEE. The machine would not stop running in repeaters of honest voters?

"A. It would not, it would not reduce the work of the judges and clerks on election day except on the count because under the present Australian system there are two private registers in each precinct, there are two polling books in each precinct, and two clerks are busy recording the names of the voters as they come in into the polling books, the two judges are busy questioning the voter as he comes in, checking off that he is a voter that is registered, while the fifth man stands at the ballot box and marks his name on the back of it, or if it is a machine he pulls the cord, which is equivalent to the work at the ballot box.

"The CHAIRMAN. Mr. Czarnecki, I believe you were present at the time the experts for the committee demonstrated the possibilities of fraud to be committed on this machine before it leaves the warehouse?

"A. Yes, sir, I was.

"Q. Now, where fraud of that character is possible, do you believe that fraud, where committed on the machine, or where committed after election, is more easily ascertained than where fraud is committed on the ballot?

2441 A. More difficult on the machine at the present time; for example, when Mr. Northup and the grand jury had heard witnesses from the First Ward precinct where the

machine is reset and has been used at subsequent elections, and there is nothing that we can come back and check up and see whether those voters are telling the truth or not.

“Q. Now, that is all right. A. The vote is gone.

“Q. I want to ask you about the general election of 1912. You had 500 machines in the warehouse purchased by your commission, how many out of the 500 were used at the general election, to your best knowledge? A. Ten wards.

“Q. How many machines? A. I think about 400, and some, I am not positive; I am not sure as to the exact amount.

“Q. How many machines were available in the election which followed four months or more after this? A. Only those in three wards in which Judge Baldwin had released—

“Q. Excuse me, four wards. Then those machines used in the 1912 election were impounded by court order on account of the contest in the State's Attorneyship, 2442 and could not be used in the spring election, is that the reason? A. They are still impounded, being used subject to the inspections of the grand jury, I don't know whether Judge Baldwin—

“Q. Can you state the number of machines used in the spring election of 1913, was it 130? A. I think about that, there were four wards, I remember that.

“Q. Only four wards? A. Yes, sir, there was machines which had been released from four wards by Judge Baldwin.

“Q. Then out of the available 500 machines, the commission could only use about 130? A. About that.” 2444 In 1904 the people voted in favor of the use of voting machines.

“Q. What was the understanding then? That they were to install voting machines as they were then or as they were to be twenty years hence or fifty years hence, or five years hence? Any notion about that? A. It was my notion, what the referendum was, was this, that the state was willing to exchange the paper ballot for a voting machine of the right kind, and that the kind of a machine was to be left to the judgment in the first place of the state voting machine commission and then to the respective bodies in the different communities charged with the elections.”

Witness thought that the people, by their votes, wanted a machine that would remove the greatest amount of frauds and errors.

2446 Witness does not remember whether the comparative cost of elections with ballot and machine was discussed at the time of the referendum.

In stating that the voters could not vote on the Empire machine in one minute, witness had in mind a general election.

"Do you believe that the law contemplated voting at a primary election on a machine? A. You mean the voting machine law?

"Q. Yes. A. Whether the law contemplated that or not I don't know; I know when we bought those machines when we were considering the machines, we were considering them with reference to the primary as well as the election, and we used them for the first time after the purchasing at a primary."

2447 In addition to the city election of April 4th there was a primary election on April 11th.

2448 "Q. Why did you say you could not vote at both of those elections with these machines? A. You would have to canvass the vote and the law contained, I understood it and understand it now, that they are not to be released for 30 days, some provision of that kind in the voting machine law, unless by some special court proceeding, of these voting machines that contest could not be brought until after canvass of the vote.

"Mr. McEWEN. Isn't that the fault of the Governor to call the special election so soon after the general election?

"A. I don't know whose fault it was, that was what I had in mind while discussing the machine during that year, that was one of the reasons that came up to me to have a printed record."

2450 Witness does not think the Empire voting machine complies with the law permitting the voter to vote independently for presidential electors because the space furnished is not big enough to write in the names.

At the time of the purchase of the Empire voting machine, the witness would not have favored the purchase of any of the four machines exhibited. He thought that three of them were about on a par and the fourth out of the question.

- 2451 "Q. Was there any of the voting machines made so they would vote in one minute, in your opinion? A. Why, I think the party-lever machine, you could scratch a ticket quicker than you could there."

Witness thinks a party-lever machine could be used in this state with its cumulative voting system.

- 2452 And that the Empire people said they could put a party-lever on their machine.

According to experience so far witness does not think the use of voting machines has reduced the cost of elections. "We might be able to."

The voting machine law, voted on by the people, provided for increasing the size and reducing the number of precincts and thereby the expense of election.

The Empire voting machine has not accomplished these purposes.

- 2453 The Election Commissioners gave a bond of \$5,000 and witness believes Chief Clerk Stuart gives a bond of the same amount. Mr. Hoff and the other employees do not give bonds.

On election day witness has not visited polling places to see that the voting machines are all right.

Witness thinks that Dr. Taylor and Mr. Kellermann visited some polling places, but is not sure.

Nor did the Election Commissioners open the machines after the election was over to see that the counters corresponded with the returns of the election.

- 2454 There was talk of having photographs taken of the back of the machine to be saved as a permanent record. The witness thinks a photographer attended at one of the recounts. He took no photographs, but sent a bill for attendance.

The practice is for Mr. Hoff to make a report to Mr. Stuart and Mr. Stuart to the Board of Election Commissioners.

Mr. Stuart appointed Mr. Hoff, so far as witness knows. Witness does not know who recommended Mr. Hoff.

- 2455 Mr. Stuart does not report his appointments to the Board of Election Commissioners and the subject does not come up until the time the payroll is submitted.

Witness is not represented by counsel at this hearing.

- 2456 A resolution was submitted by Dr. Taylor to the Board of Election Commissioners "asking that we have the privilege of being represented here or being present."

Witness does not want counsel to represent him and does not feel that there is any grounds for him to make any defense at this hearing.

Afternoon Session.
Friday, August 15, 1913.

CLARENCE E. DUPUY is called to testify and experiment
2458 at the voting machine:

(Counsel and members of the committee go with witness to the machine.)

2459 "MR. DENEEN. Inspect the counters on the back. He wants to perform on the front, wants to see that the machine is locked up right.

"I don't think that Mr. Hoff should be back here back of the machine; he is an inspector and should not be here.

"Rep. GABESCHE. The counter number 6, C-6, shows a 2; counter F-43 shows a 3.

"MR. McEWEN. There is a cipher taken out of G, and it has a naught underneath it, and counter 15-1 has some paint on it.

"MR. DENEEN. The objection is that there is some paint on it?

"MR. McEWEN. It more than covers the zero.

"MR. DENEEN. Will you take the public counter, the count of it, and the protective counter?

(The public counter showed a registration of 009 and the protective counter showed a registration of 003243.)

"MR. McEWEN. Here is a sticker on B-22, which is in the hundreds column, and B-24 has a cipher, it is not the same cipher as the other day, it is a different form. A-24 is covered with a cipher, covering the figure in the hundreds column, the cipher.

(Whereupon the machine was locked.)

"MR. DENEEN. Mr. Jayne, will you do some voting for us?

MR. McEWEN. Before you open that machine I want to show that some new sticker of a different form was found on the place noted on the back, and indicates that the sticker covers more than one number."

(Whereupon Representative Jayne voted for two candidates and the protective counter registered 003372 and the public counter 138.)

(And thereupon Senator Landee went to the rear of the machine and showed that it had not been locked, door No. 3.)

"Mr. DENEEN. Make a note that Sen. Landee said that the doors were not locked, but closed, to show, however, that nothing was done on the back of the machine during the vote. Mr. Jayne will continue the vote on some other candidates.

(At the end of which vote the public counter registered 267 and the protective counter registered 003501.)

(Whereupon the back of the machine was opened and an inspection was allowed for Judge McEwen.)

"Mr. McEWEN. 24-B shows a projection that sticks out over the figure 1, showing the figure 2 on the outer paper underneath on the steel counter, the metal counter, the figure 1; 24-A has a covering on it, making the outside figures read 028, pulling down the paper covering on the left figure 24-A it reads, 728; 22-B has a piece of paper overlooking the left figure, showing a cipher; underneath that showing a figure 2. F-23 reads 228 on the outside; there is a paper covering on the left figure which when removed reads two underneath still.

"The CHAIRMAN. Has the experiment been finished?

"Mr. DENEEN. Yes. Professor DePuy is now recalled to the stand."

Witness DePuy describes experiment:

"I prepared a set of pasters which were printed, one set of pasters, with ten figures on, and the "1" left out, so that as they were placed on the machine the figures would read, as the wheels were turned, zero, 2, 3, 4, 5, 6, 7, 8, 9; that is, the 9 would appear twice as the wheels were turned around. On the other set of figures, the 2460 numbers as they would appear on the wheels would read, zero, zero, 1, 2, 3, 4, 5, 6, 7, 8; the 9 being left out and would not appear in either case, that there was two 9's there, unless the number of candidates came over 900 in 2461 one case and would not appear at all in the other case; they would not be there; also these strips were cut out the exact width of the opening in the register case just one-eighth of an inch wide, they were spaced also the same as the spacing on the circumference of the wheel, so that the length of the strip was exactly the same as the circumference of the wheel, made this spacing to correspond to the spacing of the other figures, these figures were du-

plicated from the figures on the wheel, and they were stuck on with Dennison's glue.

Q. Then what was done with them, and over what names were they pasted? A. The ones were—the one with the two zeros was placed on the counter corresponding to the State's Attorney, Mr. Rinaker, 24-B, and also on the candidate Mr. McCarthy, for the Legislature, 11½ votes for McCarthy, 22-B—I should say that Rinaker, it should be 24-A, if I said B, I am not sure whether I did or not. On the counter for Mr. Hoyne, 24-B, was placed one of the counters with one zero and two nines, on the counter for Mr. Snite was placed another one with the strip with the two nines, so that when one hundred votes were cast for Mr. Rinaker it would appear zero again for Mr. Rinaker or Mr. McCarthy it would appear zero again on the counters, and one hundred votes would appear to be cast on the counters for Hoyne and Snite, and one hundred votes were counted and two hundred votes would appear, what was lost on two of the counters was gained on the other two.

Q. So Mr. Hoyne, in the experiment you made, gained one hundred votes over the actual vote cast and Mr. Rinaker lost one hundred votes? A. Yes.

Q. And the register showed one hundred then for Rinaker and how many for Hoyne? A. As the register read after—

Q. After the experiment? A. Yes.

Mr. DENEEN. Will you read the record on that?

(Record read.)

Mr. DENEEN. Under the paper ballot what did you figure, 28 for Mr. Rinaker and 228 for Mr. Hoyne?

A. I think that reads more—

Q. How about Mr. McCarthy, Mr. Snite reads 227? A. Yes, I think he lost a vote on one of those, one of the votes reads 227 and the other reads 228.

Q. I understand, in the case of the Legislature, Mr. McCarthy lost one hundred votes and Mr. Snite gained one hundred? A. He lost one hundred registers, that is one multiplied by 1½ times.

2462 Q. Well, he lost one and one-half times one hundred votes and the other gained one and one-half times that many? A. Yes.

Q. How did you do this, by the pasters you have indicated? A. Yes.

Q. Were those discovered by the committee by looking at them? A. Not by looking at them.

Q. Dislodged by Judge McEwen and others? A. Dislodged by Judge McEwen.

Q. Were they—with a knife? A. With a point of a knife he discovered them.

Q. What number did you discover before the voting? A. He found three of them.

Q. Which one did he not find—over whose name? A. The one for Mr. Snite, 23-F.

Q. Was that found after the vote had been taken? A. Yes, by digging it with a knife.

Q. Digging it with a knife? A. Yes.

Q. When the vote was being conducted by Mr. Jayne, everyone saw who he was voting for, just who it was, just the four men, Mr. Rinaker, Mr. Hoyne, Mr. McCarthy and Snite? A. Yes.

Q. And you were to look for deficiencies? A. Yes.

Q. In your judgment, do these pasters resemble the ordinary pasters so nearly that the ordinary man would fail to see them in the early morning? A. Yes."

2465 Witness thinks it would be possible to place a false ballot, that is a paper ballot, over the true ballot of cardboard on the face of the machine, before the polls opened at six o'clock, transposing the names of candidates, and take it off after the polls closed and counting the true ballots, thus fraudulently transposing the totals from one candidate to another.

2466 This fraud could be prevented as a practical fraud throughout the city by the Election Commissioners sending a sample ballot to the judges and clerks to compare with the one on the voting machine. It was witness' idea that with collusion it could be worked in some precincts. An honest watcher with a sample ballot could discover the fraud easily with collusion between the judges.

2467 "Rep. KASSERMAN. Q. I believe you stated that none of these pasters were discovered on the machine until the knife was applied to them?

"A. Yes, sir.

"Q. Don't you remember my calling the attention of Mr. McEwen to either one or two of them before he had inserted his knife in the slot? A. I didn't hear that remark. If you did so it was unknown to me."

2468 Witness does not think the suggestion of photograph-

ing the back of the machine would furnish an adequate check on frauds.

2469 Witness thinks that in certain precincts judges with fraudulent intent might switch the Democratic and Republican party tickets.

2470 Witness has seen Judge McEwen pick a paster off one of the counter wheels of the straight party column.

Witness thinks the paster was not stuck on the counter with glue, but had fallen off and lodged where it was found.

Witness does not think the pasters were set on the counter-wheels perfectly.

"Mr. McEWEN. We have five of them, Professor; we have taken five of them off those wheels."

2471 A party watcher might discover the transposition of a party ticket, but "in order to discover the transposition of candidates he would have to be familiar with every name on the ballot."

ANTHONY CZARNECKI resumes the stand:

Further Direct Examination by Mr. Deneen.

2471 "Rep. GARESCHE. I would like to ask the witness a question.

"Q. Mr. Czarnecki, in your testimony this morning, you were asked whether Mr. Burns was employed by the Election Board while he was a member of the Legislature and I believe you answered "yes." Now, it is just simply for the sake of clearing this matter up that I want to ask you while he was in session in Springfield, as a member of the Legislature, was he paid by the Board of Election Commissioners? A. No, sir, he was only paid for week ends when the Legislature was not in session and he was in Chicago.

"Q. Most probably on Monday and Saturday? A. And we had some work on Sunday; he may have done some work then; he didn't get paid for any work when he was not in the City of Chicago and actually working for the Election Board."

2472 *Cross-Examination by Mr. McEwen.*

Witness was a personal appointee of Judge Owens.

2473 Judge Owens never asked witness to do anything concerning voting machines against his independent judgment.

2474 While on the Board of Election Commissioners witness remains a newspaper man and keeps up his newspaper interests and contributes to the newspapers—the Daily News—during the consideration of the voting machine subject. Witness tried, in every way, to bring the subject of voting machines into the News as much as possible.

2475 Witness did not write an editorial appearing in the Daily News June 24th, 1911, referred to by Witness Cannon, concerning the use of rubber bands on voting machines.

Witness thinks George Sykes or Mr. Dennis wrote the editorial.

Sykes is one of the editorial writers of the News and also holds some position with the Bureau of Public Efficiency.

2476 The witness wrote or furnished the information for an editorial in the Daily News of June 20th, 1911, entitled, "Ugly Charges Made by Voting Machine Men."

Witness also wrote or furnished the facts for an article, "Charges After Vote—Rivals of Concerns Favored by Election Board Say Gamblers Figured in the Deal—Board Action Is Likely."

"Q. Now, turn to page 80, an article with a headline, "Election Body Defies—Commissioners Ignore Protests of Voting Device Men on \$942,000 Contract." A. Yes, sir, that refers to the written protests by the International Voting Machine Company and others including the entire documents that were presented."

2477 Witness cannot tell whether he wrote the item concerning, "See Plans to Rush Machine Deal—Sample Voting Device Is Brought to City Hall and Examined."

"Q. Turning back to page 76, there is an editorial entitled, 'Those Thousand Voting Machines Coarse Work.' Who wrote that? A. I did not.

"Mr. McEWEN. I offer in evidence the four items from the Chicago Daily News which have been cited, from pages 70, 76, 80, and 91, and identified by the witness as having been either written or inspired by him."

2478 "The WITNESS. I inspired no editorials. I simply

wrote articles or furnished information for news articles."

When the witness furnished objections to voting machines to the Daily News he also furnished them to every other newspaper office, either by the reporters or by copies which were furnished to everybody.

"Q. When you were writing these articles and turning them in to your paper and having them published while you were having debates on the subject, were you seeking to write news for the paper or to influence public sentiment, or affect the votes or consideration in the Election Commissioners' office? A. I was endeavoring in every way to call people's attention; and, believing I was right, I did not at that time give any thought to whether it would have any effect on my colleagues or not; but I did want to present my side and just what took place there.

"Q. Was this matter that you turned in donated to the paper, or did you receive space rates for it? A. Why, I had an arrangement there; it is not exactly space; I have been getting a check every week. Shortly after I went into the Election Board I was asked whether I would—

"Q. Well, I don't care to go into that.

"The WITNESS. I want to explain this.

"Mr. DENEEN. I think he should be allowed to explain.

"Mr. McEWEN. I am not claiming anything improper about this.

2479 "Mr. DENEEN. Yes, I understand it.

"The WITNESS. I took it up with Judge Owens; I was first asked by somebody whether I could work for the News, whether I had some time; that if anything came up in that office or any place else, whether I would consider myself on the staff; and I took it up with Judge Owens, and he said he had no objection, and from that time on I have been writing, as I had been previously when I was in the bank, whenever they wanted me to.

"Mr. McEWEN. Q. What I wanted to find out was whether it was Czarnecki, the Election Commissioner, writing an article, or whether it was Czarnecki, the newspaper man.

"A. Newspaper man, of course, for the public.

"Mr. DENEEN. He wants to know whether you were divorced or not.

"The WITNESS. I was not divorced from my position. There were other articles written in our office; there were defenses of the voting machine printed and written in our office by others in our office, for the Hearst papers.

"Mr. McEWEN. Q. That was before?

"A. Oh, sure, that whole period, I think they sent out statements of various kinds. I don't know who wrote them; I would not say my fellow commissioners did; I
2480 know Mr. Stuart prepared some statements regarding the voting machine.

"Q. Did he prepare them as Chief Clerk, over his signature, or did he prepare them as reporter on a paper?
A. My impression was from someone, that Mr. Stuart wrote for one of the Hearst papers, editorials and other things; and Dr. Taylor has written poetry for the Hearst papers."

2481 Witness had differences of opinion with the other members of the Board of Election Commissioners on matters which he considered of great public interest prior to the consideration of the voting matter.

2482 "Judge McEWEN. Q. They conceded always, the honesty of your position, and you always conceded the honesty of their position?

"A. The honesty of their position and the good faith of others.

"Q. Yes. A. I never questioned it."

Mr. McEwen reads into the record the newspaper items offered by him.

"Mr. McEWEN. I will offer and read in evidence this item from page 70, dated June 20th, 1911, entitled, 'Ugly Charges Made by Vote Machine Men: Attempt to Force One Company Out of the Chicago Competition Alleged. May Kill Whole Project. State's Attorney Wayman's Name Declared to Have Been Used Without
2483 Any Authority.

"Ugly charges and bitter strife among voting machine men loomed up today menacing the project of the Chicago Board of Election Commissioners to buy 1,200 voting machines for use in this city.

"A plot to boost prices of the machines, an attempt on the part of some voting device men to prevent their competitors by threats of grand jury inquiry from bidding for the sale of machines to Chicago, a scheme to limit the opportunity to bid and compete to only a few voting machines, and general unfairness beneficial to

one or two concerns are among the charges and counter-charges which emanated from those interested today.

“In view of the accusations it is declared to be highly probable that the project will receive a setback.

“Owens Back of Project.

2484 “County Judge Owens wishes to install voting devices as a reform in elections, provided a perfect machine meeting all requirements of future elections can be found. The judge, from the outset, in announcing that he assumes the responsibility for the reform which he ordered his board to take up, made it clear that the transaction must be carried through in a clean manner, free from
2484 any tinge of scandal. The internal strife and charges of the voting machine men are placing a cloud upon the proposed transaction and those who know Judge Owens declare that he will not tolerate the tactics used and that he may deal a blow which will make his position clear to all voting machine firms in the country.

“Wayman’s Name Brought In.

“From State’s Attorney Wayman, whose name a private detective agency sought to use without authority, in an effort to frighten away the Winslow Voting Machine Company of Toledo, Ohio, came the first intimation of the internal strife among voting machine men over the Chicago million dollar contract plum.

“L. R. Winslow, an inventor, and representative of the Winslow Voting Machine Company, which is one of the four bidders for the Chicago contract, declares that a contract between himself and representatives of the Empire Voting Machine Company, of Jamestown, New York, at the Congress Hotel, at which the purchase of all the
2485 patent rights and good will of the Winslow concern by the Empire people was considered, started the trouble. He declared that while he took part in the conference to sell the Winslow machine and patents to the competing bidder, an attack was made upon him after the conference charging him with a plot to boost prices in the sale
2486 of the machines to the City of Chicago, and of trying to force the sale of his machine to the competitor.

“Features of the Conference.

“It appears that the conference which was held between the Winslow and Empire people at a room in the Congress Hotel had some unusual features. A short-hand reporter, hired by the Empire people, it is alleged, was secreted in the room, and took down notes of all that was said. A transcript of results, properly signed and sworn to, found their way into the hands of a detective agency, a representative of which called later on Mr. Winslow.

“According to Mr. Winslow, the detective represented himself as working under the directions of State’s Attorney Wayman in an investigation of an alleged conspiracy to boost prices in the sale of the voting devices in Chicago and alleged attempts to sandbag some of the voting machine concerns. The inventor insisted that the people controlling the Empire machine had in the past bought
2486 up other machines, such as the United States, the Standard, and the Dean, and that the conference he had with them was for the same purpose and for none other.

“Winslow Consults Attorney.

2486 “After his first talk with the detective Mr. Winslow consulted his attorney and he in turn visited State’s Attorney Wayman. The prosecutor denied any connection with the activity of the detectives, declaring, however, that any criminal charges, whether of graft, or anything else in connection with voting machines, would if backed by evidence, be given prompt and thorough attention of the State’s Attorney’s office and the grand jury.

“Upon discovering that the private detectives were not working under Mr. Wayman, Inventor Winslow proceeded to make countercharges, declaring that the employment of the short-hand reporter and the detectives was for the purpose of frightening him from bidding and driving him out of town and away from the competition before the Board of Election Commissioners of his rival competitor.

“Storm of Protest Arises.

“In addition to the accusations and discords among the bidders, there loomed up a storm of protest from various voting machine men throughout the country who had ap-

pealed to the Board of Election Commissioners for time within which to file their bids and submit models of their
2487 machines. The voting machine men, outside of the four competing bidders, declared that the refusal on the part of a majority of the board to give at least ninety days' time within which to bid has resulted in excluding the majority of voting machine men of the country from the competition. Some of those who asked for more time and who wished to delay the opening of the bids for ninety days are complaining that the haste is beneficial to one special concern.

"Arthur L. Griffin of the Hoosier Voting Machine Company of Middlebury, Indiana, who is among those making charges of special favoritism, has announced his desire to come to Chicago next week to take a hand in the controversy.

"Among the most important complaints are the ones which the American Voting Machine Company, of Wooster, Ohio, the Egry Register Company, of Dayton, Ohio, and the American Voting Machine Company, of Boston, Massachusetts, are making. These concerns all declare that they have communicated with the Chief Clerk of the Board of Election Commissioners desiring a delay sufficient to enable them to build voting devices which would comply with the Illinois voting machine laws.

2488 "A voting machine which may be excellent and deemed within the legal requirements in Massachusetts and other states cannot be offered for sale for use in Illinois, unless Illinois Voting Machine Commission, headed by Secretary of State Rose, certifies to it, and unless it complies with the Illinois laws concerning primaries, cumulative voting for the Legislature, and the restrictive voting by women.

"H. B. Schwartz Dissatisfied.

"H. B. Schwartz of the American Voting Machine Company complains that he is being discriminated against more than others because he organized a company and is at work fulfilling requirements which the former Board of Election Commissioners pointed out to him last year.

"I did what the old board told me, and now the present board does not give me time enough to give my machine

a chance in the competition,' said Mr. Schwartz today at the Hotel Sherman.

"It was announced today that the pending motion before the board, to limit the first purchase of voting devices to 120 which are to be tried out and tested at the primaries and election of 1912, will be taken up for consideration after the question of a perfect machine is settled. Attorney Mitchell of the board is now preparing
2488 his report upon the legal phases in accordance with the board's order and the three experts appointed by Judge Owens are also expected to have recommendations ready by next Saturday."

Witness neither wrote nor furnished some parts of the above article. For example, the statements concerning Swartz.

For the reference in the last paragraph to the "prosecutor denying any connection with the activity of private detectives," and so forth, witness did furnish the information.

Witness had seen Mr. Wayman and got his information from him.

"Q. I read from page 76 of June 26th, 1911, an article entitled, 'Charges After Vote. Rivals of Concerns Favored by Election Board. Say Gamblers Figure in Deal. Court Action Is Likely. Resolutions Advocating Expenditure of Nearly Million Adopted After Fight by Commissioner.

" 'Unexpected action taken at six o'clock last night by the Board of Election Commissioners at a long session in deciding to buy 1,000 Empire voting machines at a total cost of \$942,000, brought forth sensational charges from the three unsuccessful competitors today and forecast a vigorous court battle. By a vote of two to one, Commissioner Charles H. Kellermann, and Howard S. Taylor voting for, and Commissioner Anthony Czarnecki, the Republican minority member of the board, voted against
2490 the resolution. The move to install voting machines in this city has been advanced further than ever attempted here before.

" 'One of the sensational charges made today was to the effect that men who have been busy in gambling and slot-machine devices have shown a vital interest in the activity to install voting machines in this city and that a former race-track magnate of Chicago and two race-track

men of California are among those interested in the Empire Company. While some friends of these three men maintain that their interest in the Empire machine is that caused by their own investment, others declare that they are merely proxies for certain other Chicagoans reported to be interested in the voting devices.'

2491 "Mr. McEWEN. Right at that point, did you write that?

"A. The gambling proposition was brought in, I think, by some man connected with the sporting department of the Daily News, he must be John Size, I am not positive, who claims that a Mr.—a man named Condon here—

"Q. I just asked you whether you wrote that. A. I do not think I wrote that feature of it, the gambling feature; it came from another source.

"Q. You say, 'While some friends of these three men maintain that their interest in the Empire machine is that caused by their own investment, others declare that they are merely proxies for certain other Chicagoans reported to be interested in the voting devices.' Did you ever hear anybody say they were proxies? A. I have not. With reference to the gambling feature of that, Judge, I recollect a number of newspaper men, yes, particularly some man that was acquainted with the gentlemen of the gambling fraternity here.

"Q. Isn't that a thought— A. Sir?

"Mr. DENEEN. Let him answer; he is telling.

"The WITNESS (continuing). Judge, that gambling feature was introduced by others."

2492 "Q. (reading) 'Plans to Issue Certificates.

" 'By the action last night, the board ignored the recommendations of the Public Efficiency Bureau. It is reported that the financing of the project is to be under a plan which Attorney W. W. Wheelock, counsel for the Empire Voting Machine Company and former attorney for the Election Board, declares to be feasible and legal. The plan is said to involve the issuance of certificates of indebtedness by the board and approval by the County Judge, and upon which judgment will be secured so as to make them easily negotiable.

" 'Judge Owens gave every member of the board the right and power to act in accordance with the dictates of his conscience and best judgment for the good of the public.

2493

“Chief Clerk William H. Stuart, who directed from the beginning the project of adopting voting devices for Chicago at this time, and Commissioner Kellermann and Taylor, whose votes settled the plan last night, insist that the action taken is a step to the most vital reform in the city’s elections. They insist that Judge Owens can do nothing else than sustain the Commissioners and that the future will prove that the action was for the best interests of the public.

“On the other hand, the unsuccessful bidders and others who have watched the progress of the voting machine plan which culminated in the board’s action yesterday are up in arms.

“Had Things Own Way.

“It is charged that from the start even before the bids were advertised for, the agents of the Empire Voting Machine Company thronged the office of the Election Commissioners and had things pretty much their own way. They charged that employees of the board at the election all talked in favor of the Empire voting machine, especially after that company had paid some of the employees money for ‘extra’ services.

2494 “An open charge is made by L. R. Winslow of the Winslow Voting Machine Company, and J. J. Farrell of the Triumph Company, that the meeting yesterday was a star chamber session, from which the voting machine men were barred. They charged that specifications of the board were brushed aside in the rush to secure action favorable to the Empire people.

“Labor Men Are Interested.

“A committee of the Chicago Federation of Labor is among those up in arms because of what they call snap judgment having been taken by the board. The committee requested that the Federation of Labor be notified whenever the voting machine problem was to be taken up again. When the unexpected move to take definite action became known yesterday afternoon a telephone communication was sent to the Federation, but it was impossible to get the committee together to appear before the board in time for the action. The labor organizations had planned to have their own tests and inquiries made before a machine was specifically selected.

“In order to rush through the resolution last night, Commissioners Kellermann and Taylor, and Chief Clerk Stuart were forced to ignore section 18 of the board’s own specification, which provided that:

2495 “ ‘A public exhibition of all machines of bidders will be conducted by the Board of Election Commissioners at such times prior to the award of bids as said board may determine. At all such exhibitions the bidder will be required to have present a person competent to demonstrate in every particular the operation of the machine offered in bid.’

“Commissioner Taylor introduced the resolution which started the activity. It provided that the board proceed to arrange immediately for the purchase of 1,000 voting machines deliverable in installments.

“Czarnecki Motions Lost.

“Commissioner Czarnecki requested that the voting machine men be invited to be present and hear the proceedings. Chief Clerk Stuart and Commissioner Taylor immediately opposed the suggestion. Then Mr. Czarnecki before action was taken on the ‘Purchase’ resolution, offered one after another, a number of motions, which his colleagues refused to second, and upon which he stood alone. His motions were as follows:

“ ‘That the board before passing any further in the matter proceed to make its own test with reference to the grouping of fifteen or twenty names for an office to determine whether the future requirements of the election conditions can be complied with.

2496 “ ‘That the first purchase of machines be limited to 120, to be tried out at the primaries and elections of next year.’ This was a renewed motion upon which no action had been taken.

“ ‘That the attorney for the board be required to present to the board a copy of his opinion with reference to the financing of the purchase of machines,’ this also being a renewed motion.

“ ‘That the board hold a conference with the officials in charge of Chicago’s finances—the Mayor, City Treasurer, City Comptroller, Chairman of the Finance Committee, and Corporation Counsel—as to the method of financing the purchase.’ This motion was also a renewed one.

“ ‘That the question of expending the sum necessary for the purchase be submitted to the voters of the city at the next election, before action be taken.

“ ‘That section 18 of the specifications be complied with before the resolution to purchase be considered; and

“ ‘That the Empire Company be ordered to produce before the board a machine which would have the various objections corrected, before the awarding of a contract be considered.’

“None of the motions were seconded.”

Mr. McEWEN. I read the item from page 80, identified by the witness, with the headlines, “Election Body Defies. Commissioners Ignore Protest of Vote Device Men
2497 on \$942,000 Contract. Charges Against Officials. Company Agents Attack Judge Owens, Kellermann and Taylor. Court Next Step in Fight.”

Mr. McEWEN. Q. By the way, was there ever a court proceeding brought?

A. I think somebody brought some action.

Q. That was Maxwell Edgar’s suit, wasn’t it? A. There was some suit of some kind.

The CHAIRMAN. Mr. Edgar was the attorney for the party that brought the suit.

Mr. McEWEN. Yes, he was the attorney.

The WITNESS. But there were threats made by companies at that time.

Mr. McEWEN. That bill was stricken from the files for a scandal, that was the end of it.

A. I do not know why it was, I do not know anything about that.

Mr. DENEEN. I understand that that bill is pending, is it not, Judge?

Mr. McEWEN. Well, I do not know.

The WITNESS. But the voting machine men themselves threatened to go into the courts at that time?

Mr. McEWEN. Q. Well, they didn’t go? A. Not then, no, sir.

2498 Q. I just simply asked to find out, I thought you probably knew. A. No, there is nobody that I know.

Q. I am not informed except as I indicated by my question. It is an easy matter to look up.

(Reading:) “Defiance was hurled today at representatives of various voting machine concerns by the Board of Election Commissioners. Formal notification that persistence in determination to favor the Empire Voting

Machine Company in awarding a \$942,000 contract for the purchase of 1,000 voting machines would result in court proceedings was ignored. The board voted two to one to refuse to reopen the investigation of the qualifications of voting machines.

“By the same vote it was agreed to lay on the table protests filed by two voting machine companies, which contained charges concerning the manner in which the actions favoring the Empire Company had been taken.”

Mr. McEWEN. Q. Do the records show that they were laid on the table? A. Tabled.

Q. Or just placed on file? A. That is what they meant.

Q. (reading) “Owens and Others Involved.

“These charges included allegations which concerned the veracity of County Judge John E. Owens, Chairman Charles H. Kellermann of the board and Commissioner Howard S. Taylor. They led to a heated controversy
2499 at the meeting of the board, at which the representatives of the voting machine companies refused to retract the charges made concerning the officials.

“As a result of the action of the board, the representatives of the International and the Triumph Voting Machine Companies, which claim they are the victims of unfair discrimination by the Board of Election Commissioners, will go into the courts in an effort to tie up the contract, which the board had virtually agreed to award to the Empire Company. Actions against the experts, who made the report upon which the Commissioners acted, are also planned by the two companies, which allege that they have been seriously injured in their business by accusations contained in the reports.

“Protest Filed by Company.

“The charges upon which the protests of the two companies were based are contained in a document filed with the board by the International Company. The protest follows:

“To the Honorable Board of Election Commissioners, Chicago, Illinois, Gentlemen: Whereas, the International Voting Machine Company, acting in good faith, placed with this board a bid for voting machines for the City of
2499 Chicago, in accordance with the advertisements and specifications issued by your Honorable Board, and

“Whereas, in order to make such a bid we were compelled to deposit with the chairman of this board a certified check for five (5) per cent. of the amount of the bid, 2500 which in our case was fifty-four thousand (54,000) dollars, and to prepare, at great labor and expense, blueprints and drawings showing every part of our machine, together with photographs and printed instructions and arguments in favor of the International machines, and

““Whereas, the chairman of the board did not turn this certified check over to the Election Board, nor deposit it with the Comptroller of the City of Chicago, as he had informed the treasurer of the International Voting Machine Company he would do, but did, on the contrary, cash the check and place the money in his own private banking account, where he had the privilege of using it for his own personal purposes at any time he saw fit, without so much as consulting the other members of the Board of Election Commissioners, to say nothing of the loaners of the money, who were thus in continual danger of losing the entire amount, and

“Whereas, it has developed that the drawings, photographs, and blueprints, which were prepared by us at great expense for the supposed enlightenment of the mechanical experts of this board, were never opened nor examined by the members of this board, nor by their mechanical experts, but were returned to us in the original packages with the seals unbroken, thereby revealing an evidence of bad faith, and

““Whereas, the mechanical experts selected to examine the machines made a most superficial examination of the International voting machine, and in their report to this board made statements relative to the machine which are inconsistent, misleading and false, thereby working untold injury to the good name of the product which has caused this company thirteen years of persistent effort, and almost \$400,000 in cash, and

““Whereas, this board apparently accepted the statements of the said experts at their face value, and, concurring in that report, published these false statements to the world, and further proceeded to purchase voting machines for the City of Chicago in accordance with the recommendations of the experts, and without giving us a chance to be heard, although our attorney demanded such a hearing on the day that the action was taken, and was faithfully promised such a hearing by the judge of the

County Court of Cook County, under whose instructions this board is supposed to be acting, and also by Commissioner Taylor, who agreed to notify our attorney over
2501 the phone before any action was taken, which notice he neglected to give, and

“Whereas, the specifications issued by this board under the date of April 27, 1911, made provision for a public hearing and exhibition of all voting machines submitted to this board, which exhibition was never held, and

2502 “Whereas, the International Voting Machine Company believes that the action of the experts and of the board itself has wrought untold injury and financial loss to said International Voting Machine Company;

“Therefore, we demand that the board rescind such action as has already been taken, reopen the case and give us an opportunity for a full and complete public hearing in answer to the report of the experts, and we hereby notify the members of this board that unless such action is taken we will be compelled to go into court to protect our own good name and property interests.

(Signed) INTERNATIONAL VOTING MACHINE COMPANY,

ROBERT PETRIE, President.

E. R. KELLY, Secretary.”

“Kellermann Deposits Check.

“Before the meeting was called the representatives of the voting machine companies were handed certified
2502 checks for \$116,500, which they had been obliged to deposit with Charles H. Kellermann, chairman of the Election Board, when they submitted their bids upon the bid contract. The representatives of the three companies had called upon Mr. Kellermann for these checks on Saturday, but they were unable to find him. They then learned for the first time, they declared at the meeting of the board, that the checks had not been deposited to the account of the Election Board, but to the personal account of Charles H. Kellermann in the Commercial &
2503 Continental National Bank.

“It was the action of Mr. Kellermann in depositing these checks to his own account which forms the basis of one of the charges made in the protest of the companies, and which led to a lively scene at the board meeting.

“New Checks Given in Return.

“When Chairman Kellermann arrived at his office this morning, he found A. L. Hall, treasurer of the International Company; L. R. Winslow, of the Winslow Company, and John J. Farrell, of the Triumph Company, waiting for him. They immediately asked for the checks and were assured that they would be turned over to them immediately. Then Chairman Kellermann and Secretary Czarnecki of the board went to the bank and secured the checks.

“Banker Defends Kellermann.

“Then Mr. Kellermann obtained from Vice-President
2503 J. R. Chapman of the bank a statement of his action in depositing the checks to his personal account. This explanation is as follows:

“‘Continental & Commercial National Bank, Chicago, July 3, 1911:—Anthony Czarnecki, secretary of the Board of Election Commissioners, Chicago, Illinois.—Dear Sir: This is to advise you that C. H. Kellermann on the first day of June, 1911, deposited in this bank \$179,550 and that this amount has been here continually until date. Mr. Kellermann chose this bank as a depository for his money because he had been doing business with the American Trust & Savings Bank, which has unified its interests with this bank, for a number of years, and has always been esteemed a customer of that institution.

“‘Also knowing the strength of the bank he preferred to deposit the checks rather than hold them or put them in the safety deposit box, and for this action he thinks that he should not be subject to any criticism.

“‘Respectfully yours,

“‘J. R. CHAPMAN.

“‘*Vice-President.*’

“Interest \$227 is Problem.

“Mr. Kellermann also secured a statement from the bank. This showed that \$227.18 was due as interest on the amount deposited.

2504 “What is going to become of that interest? he was asked.

“‘That is for the board to decide,’ he said. ‘Personally, I believe I am entitled to it, but I don’t want it.’

“Taylor denies charges.

“The checks being turned over and receipted for the board got down to business. The protests of the two companies were read.

2505 “When the reading had finished Commissioner Taylor arose. ‘I want to say that the statement that I made any promise to give the attorney for the International a hearing before the board is false. I never made such a promise. I told Attorney Coburn that I would present the question of whether attorneys should be heard to the board and I did. I have no doubt that the statement which concerns a promise by Judge Owens is as unqualifiedly false as the one concerning myself.’

“Kellermann Makes Denial.

“Then Chairman Kellermann arose: ‘I want to say I never promised to deposit the checks with the City Comptroller. I did consult with the members of the board and with Judge Owens, and I did deposit the checks in the Continental National Bank, but I never knew that they could be deposited with the City Comptroller. I demand
2505 that the statement I did be retracted.’

“Hall Retorts to Members.

“A. L. Hall, treasurer of the International Company, replied to Mr. Kellermann: ‘On May 27th I asked you what would be done with the checks. You mentioned the City Comptroller in that conversation. I certainly understood as well as I do anything that the checks were to be deposited with him.

“‘That satisfied me because I knew that I was protected, for the City Comptroller was a bonded official. It was not until last Saturday that I knew they were deposited to your personal account and that you admitted to me that we had little or no protection, as you are only under a bond of \$10,000. Had I known that before I certainly would have immediately taken steps to protect that check.’

“Kellermann Retorts; Denies.

“‘I never mentioned the City Comptroller. I couldn’t have deposited with him,’ replied Mr. Kellermann. ‘Why, the check was made out to me as chairman of the Election Board, and it was endorsed that way.

“ ‘But deposited to your personal account, not to that of the Election Board.’

“ ‘Yes.’

2506 “ ‘And not protected further?’

“ ‘No.’

“ ‘And in case of your death or failure in business there was no way in which we could get our money. That is what you admitted on Saturday.’

“ ‘Commissioner Taylor interrupted with a motion that the protests be ignored and placed on file.

“ ‘CZARNECKI IS VOTED DOWN.

“ ‘Commissioner Czarnecki moved as a substitute that the action taken by the board Friday be rescinded, that the investigation of the merits of the various voting machines be reopened and that the companies be given an opportunity to reply to the criticism of the experts.

2507 “ ‘I wouldn’t want to do that until I consulted the Judge,’ said Commissioner Kellermann, referring to Judge Owens.

“ ‘Commissioner Taylor declared that he was opposed to any kind of delay. There was no second to Commissioner Czarnecki’s motion and the motion of Commissioner Taylor to file and ignore the protests was then carried. Commissioners Kellermann and Taylor voting for it and Commissioner Czarnecki against it.

“ ‘CZARNECKI SEEKS FORFEIT.

2507 “ ‘Commissioner Czarnecki then asked H. W. Barr, resenting the Empire Company as to the length of time it would take for him to furnish a sample machine, provided for in the resolutions adopted by the board Friday. Mr. Barr replied that the maximum length of time was six months. Commissioner Czarnecki suggested that the company should be compelled to make a cash deposit to guarantee the delivery of the machine in this length of time, but it received no second. The board later ordered the company to furnish a sample machine in three months’ time.

“ ‘Then it was voted to place the check covering the contract of the Empire Company, which still remained on deposit with the Continental and Commercial National Bank, in a trust fund, which could only be drawn upon over the signature of the three Commissioners.’”

VOLUME XXIV.

Morning Session,
Thursday, August 19, 1913.

ANTHONY CZARNECKI resumes the stand:

2509 *Further Cross-Examination by Mr. McEwen.*

Witness wrote articles for other papers than the Daily News.

“Q. In the line of work for the Commission or other matters? A. Why, I wrote a series of articles for the Examiner in July, 1911, at the request of Mr. A. M. Lawrence; that was a different line of work; it was not in connection with anything on the board.”

At the beginning of the consideration of voting machines by the Election Commissioners, witness was in favor of them up to the point where the Commissioners were considering the specifications.

2510 Did then and has not now ceased to favor voting machines if a proper machine is found. Witness has never seen such a machine.

2511 Witness thought a machine of the Empire size too heavy and cumbersome.

2512 A machine that two men could carry to the place of election and bring away from there would be a desirable machine so far as weight is concerned.

Witness never opposed the consideration of voting machines by the Election Commissioners, “but when we got into the specifications, and when the 25-day limit was set, and when the proposition of 5 per cent. of a purchase of 1,000 or 1,400, 1,200 machines came up and when the specifications set forth the full purchase of the amount necessary to equip Chicago, that was my time for opposing the question, the proposition as it was before our full body.

“Q. Did you at any time contemplate that you were in favor of purchasing a complete set of voting machines for the City of Chicago?

2513 “A. All during the time of our offer after they were tried out at an election and by all sorts of public tests they were found to be good and that they were a benefit and were tried out properly, why, I think I would ultimately, but not initially.”

2514 The motion of witness that each voting machine be certified by the State Voting Machine Commissioners, was made with reference to the voting machines to be used experimentally at the city election so that the use of the machines would not vitiate the election. The fact that each certificate would cost \$100 was not mentioned at that time.

Witness had in mind the point raised by Mr. Haight representing Candidate Merriam, and did not make the motion for obstruction purposes.

2515 Witness wanted Attorney Mitchell present when the specifications were presented to the board, because he had helped prepare them.

Witness asked for delay in consideration and reading of specifications because he had not read the draft. Witness had no general policy of delay in mind.

2517 Witness participated in the discussion of the specifications and tried to get them to meet his judgment.

2518 Witness did not make his motions with a view to preventing action in the future, but "to be as fair in our specifications as I thought the old board had been."

Witness discussed the subject of time for filing bids. He thought the old board had given too much time, and suggested three or four months.

At that time witness had met Mr. Hall and Mr. Petrie of the International machine.

2519 And Mr. Winslow, if he was present at the meeting.

Witness never met any voting machine men at any time at any newspaper office.

Witness had also met Mr. Farrell at the Election Commissioners' rooms.

2520 When witness was discussing the question of time for filing bids he did not know the condition of any voting machine company's plant, or how many voting machine companies were equipped for manufacturing. "I looked upon it as an initial industry."

2521 Witness did not think 25 days time enough. Was of this opinion, not because of any special information, "but it was a new problem on the board and I considered a new problem like that ought not to be rushed."

2524 Witness did not look up the various protests as to whether they were true or false or from persons who had a patent to sell.

Some of the men who protested were present. Said they had factories, and talked with the chief clerk.

2525 Witness had read the reports of the old board and knew that there was some merger of machines into one.

Witness did not know how many voting machines there were in the country.

Witness knew Mr. Sykes and Mr. Keeler of the Bureau of Public Efficiency.

2526 Witness thinks he talked with them at the board rooms and also called on Mr. Keeler at the office of the Bureau of Public Efficiency after their report came out.

Witness read the report of the Bureau of Public Efficiency and thinks they had adopted some of the witness' suggestions.

2527 After the report of the experts of Judge Owens, witness still thought that the voting machines were not the best for the City of Chicago.

Witness had various objections to the Empire machine. Thought that the voting machine for Chicago should have a party lever, for "I thought they could vote

2528 within one minute a scratched ticket."

Witness also suggested to the three experts the placing of celluloid on the face of the machine so that the names could not be cut out and transposed on the face of the machine.

Witness thinks the question of obstructions on the face of the machine was discussed with the experts.

2530 Witness did not have in mind the difficulty of applying a party-lever to a voting machine with a cumulative device at the time he was insisting upon the party-lever.

The absence of a party-lever did not, in the witness' judgment, absolutely disqualify the Empire machine for the City of Chicago.

2533 Witness is asked whether he considered the Empire machine a suitable machine for Chicago, and answers, "I at no time altogether considered it a perfect machine." It was not the absence or the party-lever alone, but the absence of other features and the disadvantages in connection with the Empire machine that made it, in the witness' judgment, unsuitable for use in Chicago.

2534 Witness thought the machine might be used, legally, but that it was a bad business proposition for the City of Chicago.

2535 In moving to purchase 120 instead of 1,200 machines, the witness "wanted the blunder to be as small as possible."

Witness had stated that the four machines exhibited

contained certain good points and that all these should be incorporated in one machine. He had not considered the difficulties in the way of this, especially with regard to the ownership of patents.

2536 Witness did not have in mind a consolidation of the machines, nor can he remember what particular good points might have been taken from each machine; if all had been taken it would not have met his objections. "I would have to see the machine."

2537 Witness considered that the voting machine must meet primary requirements. "We considered the primary as an election always."

One of the purposes of witness in making his motions regarding voting machines after the resolution was passed, was to put himself clear in the record, but he thought also that some of them might carry.

2539 At the meeting of July 21st a letter from a man named Garrett was received, claiming to be in patent litigation with the Empire Voting Machine Company, and witness made a motion that it be referred to the attorney of the Election Commissioners for investigation.

"I did not have any idea that the contract would be taken up that day."

2540 Witness was not influenced in his action following the letting of the contract by the newspapers.

2541 "Q. Now you think that a voting machine should be voted in a minute, regardless of how many names, or regardless of conditions in Chicago? A. I don't say that it should be; the law says so."

2544 The one minute requirement of the law was one reason why the witness insisted upon a party-lever as coming near to complying with it.

After the report of the experts on the first machine the slot for independent voting on the Empire machine was enlarged. Witness thinks it is still too small.

2546 Witness gave Professor Chamberlain the names that might be expected to appear as candidates for presidential electors and that the slot should be big enough to accommodate them.

Witness wanted visible voting; that is, such improvement to the machinery as would indicate to the voter "just what he is doing." No machine exhibiting had such voting.

2548 In the discussion of voting machines with a printing device, something may have been said about how that

could be imposed upon. What the witness had in mind was, "If the election was on the 4th of April and the primary on the 11th they should have a printed record and use the machines at the same time."

2549 "That came up in 1911 and that was one of the things before my mind."

A record taken from the machine by representatives of the different parties would help to meet the objection to the machine that does not print its own record, but not completely.

2550 The Election Commissioners paid no attention to the placing of ballots on the voting machine. "We left that to the chief clerk."

The Supreme Court allowed the Election Commissioners to use the voting machines and in a case pending before the court the witness filed a separate answer seeking to have the court decide whether this machine complied with the law or not.

Witness is asked whether he had seen a plate on a voting machine that said "Made at Rochester," and answers he saw a plate "Rochester, New York." Does not remember what else was on it.

The Election Commissioners did not send out instructions telling voters to "scratch the ticket first and then pick up your straight party afterwards."

2551 "Q. Did you study the possibility of frauds by the custodian? A. No, sir, not until this matter came up now. I never dreamed, never thought that such things were possible on that machine.

"Q. It never occurred to you that dishonesty in the warehouse should be looked after? A. I didn't think you could manipulate that mechanism back there. I relied on our three experts, and I thought they would point out to us any such dangers specifically."

2552 The Election Commissioners permit different parties to have watchers to watch the printing of ballots as a protection against fraud and error.

2552-3 Having watched the experiments upon the machine in the hearing room, witness thinks that the best way to guard against fraud would be to have reliable experts present at the warehouse when the machines are being set up. Fraud by the human element is only to be guarded against by watching.

2553-4 Witness became acquainted with agents for the machines between March and the time the contract was let.

Witness only talked with Mr. Barr in the office and then only casually.

Never talked with Mr. Lawrence during the entire time about voting machines.

2555 Section 1; paragraph O of the specifications provided that for the purpose of determining the relative advantages of voting machines, they could not be examined by any other experts. The representatives of other machines were never given opportunities to examine competing machines. The voting machine men agreed on this.

2557 In moving for the purchase of 120 machines only the witness wanted an opportunity to try out these machines and enlighten public sentiment upon the subject. "If 120 machines had turned out fine in those 120 precincts you would have had the people in 120 precincts going around all over the town practically forcing the purchase of the rest of them."

2558 Where voting machines were used at the spring, 1913, election, paper ballots were not also used. The ballot was very small; there was no complaint in that election about voters not being able to vote in a minute.

2559 There was no complaint about moving machines at this election. Witness does not know of any pasters on the voting machines at this election.

2560 The blueprints, photographs, instructions, and so forth, of the exhibiting machines were in the room where they were exhibited to the Election Commissioners and the experts. They were not called for by the experts.

Witness did not vote for the appointment of Judge Owens' experts, but did vote later to pay them for their work. Witness does not remember the particular time.

2562 Witness thinks the manipulations of the machine displayed by Professor Depuy could not be worked successfully on a machine "not when we are on the job."

"Q You do not know of any fraudulent voting having been done by this machine? A. Well, Mr. Northup has, in examining witnesses, given some information, and he is still delving into it in certain precincts, but I do not know what the result will be right at this time. There have been claims made that it has been done at some elections for some offices, but all I have got for that is what Mr. Northup told me.

"Q. How was that done, by any of these mechanical devices prepared by Professor Depuy? A. Mr. Northup stated to me for the truth that he had a number of wit-

nesses coming in to testify before the grand jury that when they voted their ticket two keys were pulled down; that they voted by instructions and that two keys were pulled down. Now, if it is proven that the straight party key was very much similar to one of the experiments that Professor Depuy showed up, although what may have really happened was the judge pulled down two keys of the candidate and the machine voted, and he said he voted two keys, but I can't state about that."

2563 Witness did not think that the Empire voting machine was as susceptible of manipulation as has been shown at this hearing, though he has been told that the machines have been made to vote $1\frac{1}{2}$ votes for representatives.

2564 The custodian has to reset the machine for each election.

2566 Witness testifies that an election contest is pending here which involves the accuracy and integrity of about 9,000 ballots.

During the election nearly 500 machines were used in ten wards of the city.

2568 The grand jury report of 1908 was never taken up and read in connection with the voting machine. It came up in connection with the ousting of the Election Commissioners.

There was no discussion of the question of limiting the time for bidding on voting machines to 25 days; the bids were open to all competitors.

2569 Witness would have been willing to vote for a machine that complied with provisions of the law and was adaptable to the conditions in Chicago.

The question had been voted upon by the people of Chicago and the machine should be adaptable to conditions here.

2570 In last spring's election voting machines were used "I think in some of the river wards, the First, the Eighteenth and the Twenty-first."

2570-71 Witness gives the boundaries of the First and Twenty-first wards. The rules require that each voting machine should be in the warehouse by 12 o'clock the night of the election, and witness thinks the contract with the dray men was made with that condition incorporated.

2572 Election precincts are clear from Hegewisch, 20 miles south, to Evanston, 18 or 20 miles north.

Witness does not know, of his personal knowledge, of any machine being held 50 hours at the polling precincts before delivery at the warehouse, "but there was something read from the report of Mr. Hoff's which would indicate that somebody was handling the machine, but whether that was off the platform or where they were handled thus far, I do not know."

- 2573 Witness cannot recall whether the serial number of the second Empire voting machine examined by Judge Owens' experts was above or under 4,000.

JAMES S. KEELEY:

Direct Examination by Mr. Deneen.

- 2575 General manager of the Chicago Tribune, as he was in 1911. Has a copy of the Marriott affidavit and his attention is called to the following statements said therein to have been made by Mr. Gray, chief of police of Ottumwa, Iowa.

Mr. DENEEN (reading). "Barr told the city that he had paid big money to get the contract, but that the mistake he made was not to give \$50,000 to Jim Keeley, the publisher of the Tribune. Barr said that Keeley demanded \$50,000, but he refused to pay him, that if he had got that there would not have been any of this trouble with the voting machine contract; that the Tribune and the other papers were always for the voting machine and they would not have thought of fighting a contract; and would not have started the trouble if we had not refused Mr. Keeley's demand for \$50,000."

"Q. Do you know Mr. Harry Barr? A. Until yesterday afternoon I was under the impression I had never met him; I met him once.

"Q. Do you remember when, Mr. Keeley? A. Either last November or last spring. I did not know who it was at that time, and I did not know his identity until yesterday afternoon.

"Q. Yesterday afternoon? A. Now, to the best of my knowledge and belief that is the only time I have ever seen Mr. Barr or ever had any conversation with him.

"The CHAIRMAN. If you will just face around this way, Mr. Keeley—we cannot hear you.

"The WITNESS. Supposing I stand up. I say, until

yesterday afternoon, I was under the impression I had never seen Mr. Barr, that I had never talked with him. Yesterday afternoon, however, I learned that I had seen the man and that I had talked with him; that was either last November or last spring, I have forgotten which. It was the night of an election when I talked to the man. I did not know who he was and he did not know who I was. I did not know it was Mr. Barr until yesterday afternoon.

“Q. Did you at any time discuss with Mr. Barr or anybody representing the Empire Voting Machine Company the matter of receiving money or taking money for supporting or withdrawing opposition to any contract they may have had with the city? A. I never discussed that matter with Mr. Barr or any other human being, or any other matter similar to that.

“Q. You don't know Mr. Gray, I suppose, Thomas S. Gray, ex-chief of police— A. Not so far as I know.

2577 Q. Of Ottumwa? A. Not so far as I know.

Q. Do you know a man named Newton Arrison, former city clerk of Ottumwa? A. Never heard of him.

Q. Do you know Thomas H. Pickler, who was former mayor? A. Never heard of him.

Q. Do you know a lawyer, Edward G. Moon, former State Senator and former police magistrate of Ottumwa? A. Never heard of him.

Q. Or Mr. Gilmore, his partner of Ottumwa? A. Never heard of him.

Q. Did you ever hear about any charges having been made against you or the Tribune, or anybody connected with it in reference to this contract of a financial nature? A. No, sir.

Mr. DENEEN. That is all.

The WITNESS. May I amplify that statement just made?

Mr. DENEEN. Certainly.

The WITNESS. I got back from Europe on Saturday morning. I first learned of this story about half an hour after I landed. I racked my mind to try and determine whether I had seen this man. I see hundreds of people in the course of a year. To the best of my knowledge, to the best of my recollection, I never saw that man and never talked with him and would not have known him if he had walked into my room or into this room; yesterday,
2578 day, however, I went into our local room and Mr.

Hewitt, the reporter who wrote a number of stories on that voting machine proposition, was sitting there and I said, "What kind of a looking fellow is this man Barr? I don't believe I ever saw him." And Hewitt retorted: that he wanted to see you once. "Well, I said, "under what circumstances?" And Mr. Hewitt said that after definite action or the first definite action had been taken by the Election Commissioners in connection with the voting machines, when they had taken some action that was regarded as practically making a contract, that Barr and another man whose name I had forgotten, came up to see Hewitt in the Tribune office, and that they were feeling pretty good and that they "joshed" Hewitt and said, "Well, we licked you," and they talked back and forward a few minutes and finally Barr said to Mr. Hewitt, "I would like to meet Mr. Keeley one of these days, I would like to go in and see him." Hewitt replied, "Well, that is what everybody wants who comes up here, but very few get in." That was the end of the conversation. Mind you, gentlemen, this was after the contract was awarded that he met me, wanted to see me.

Mr. THOMASON. You might explain the circumstances of the meeting which you did have with Mr. Barr.

A. Oh, yes, the only recollection I have of meeting,
2579 connected in any way with the voting machine question was on a certain night—the night of an election—whether it was a primary or otherwise, I don't remember, whether it was last spring or last fall, I don't remember, but I know it was of comparatively recent occurrence, I was walking through the room of Mr. Beck, the managing editor, and there were two gentlemen sitting at his table and I heard them ask him to do some-
2580 thing in connecting with voting machines. Well, I stood to one side and listened, and the proposition they put up was this: that they would like the Tribune to say the next morning that the returns came in infinitely more quickly from the voting machine precincts than they did from any other precincts. They wanted us to specify what precincts brought in the returns first, and what hour. I then broke into the conversation and I said it was impossible to do that for this reason: that we received our preliminary figures from the City News Bureau and they always came in the forms of bulletins which read something like this: "Fifty-seven precincts out of thirteen hundred or so, give so-and-so so much,

and give so-and-so so much and so-and-so so much." That there was no way of locating those precincts and from what ward those returns came. It was just a group, a bunch, we will say, of the first fifty-seven that
 2580 came in. Of course, some might have been voting machine precincts and some might have been others. I pointed out that fact to those gentlemen and they saw the point at once. We had two or three minutes' general conversation, very pleasant conversation, and I walked out of the room. I learned yesterday afternoon that one of those gentlemen was Mr. Barr.

Rep. KING. Who informed you that was Mr. Barr?
 A. Mr. Beck.

Mr. DENEEN. I believe that is all I care to ask Mr. Keeley.

2581

Cross-Examination by Mr. Mitchell.

It is not a fact that "the Tribune had always advocated voting machines until Judge Owens became County Judge."

2582 "The Tribune did believe in voting machines. It did not believe in this voting machine deal."

2583 The Tribune opposed the deal because it did not believe it was a square deal.

The Tribune's suspicion did not come from Mr. Anthony Czarnecki and the witness cannot state where the Tribune got information which led to its suspicion.

2584 The witness did not suspect Mr. Anthony Czarnecki, Dr. Taylor or Mr. Kellermann. It suspected the voting machine company.

2585 "Mr. DENEEN. Do you care to ask him any questions, Mr. Walker?

"Mr. WALKER. Certainly not. I want to say that this shows the folly of hearsay all of the time. I believe what Mr. Keeley says."

The witness read the news about the bids, specifications, and so forth, before the contract was consummated and gathered his opinions from them and statements that came to him from reporters and others.

2586 "Rep. KING. You absolve Mr. Keeley from this charge?

"Mr. WALKER. I say that this simply shows the value of putting hearsay on hearsay in evidence. If I was

on this committee I would find that what Barr said that he ever said—if he ever said it—about Mr. Keeley, was not true. Of course—

“Rep. KING. Barr is a liar then?

“Mr. WALKER. That is what I would find. As far as any inference or any reflection upon Mr. Keeley, or upon anybody else, based on hearsay.

“Mr. DENEEN. Do you mean to say whether Barr misstated the truth, or the affiant, Mr. Marriott misstated it, his client?

“Mr. WALKER. As I understand it, Mr. Marriott’s affidavit said that they believed that Barr said it.

“The WITNESS. I think we will demonstrate that they did not.

The CHAIRMAN. Do you wish to present a defense against the accuracy of the statements in this affidavit?

“A. Yes, I wish to present Mr. Hewitt, Mr. Beck and Mr. Gotthart.”

OSCAR HEWITT:

2587

Direct Examination by Mr. Thomason.

A newspaper reporter employed by the Chicago Tribune. Knows Mr. Barr of the Empire Voting Machine Company.

Witness does not think he ever met and talked with Mr. Barr in Mr. Keeley’s presence.

Witness met Mr. Barr once two or three weeks subsequent to the awarding of the voting machine contract in the office of the Chicago Tribune. Mr. Barr said he would like to meet Mr. Keeley.

“I said, ‘Well, nearly everyone that comes in wants to see Mr. Keeley,’ but he says, ‘Not now; sometime I would like to meet him.’

2588 “Q. Did he state at that time whether or not he had ever met him before? A. No, he did not.

“Q. He stated he would like to meet him? A. Yes.

“Q. That was after the contract had been awarded? A. That is after the resolution had been passed saying that the board would award a contract.”

Mr. Barr asked to be introduced to Mr. Keeley.

2589 This was after the Board of Election Commissioners passed the resolution to purchase the voting machines along about the 1st of July.

Witness fixes the time of meeting Mr. Barr in the Tribune office by the circumstance that Mr. Barr was "jolly-ing around about having licked me" by winning the award over the other voting machines.

E. S. BECK:

2591

Direct Examination by Mr. Thomason.

Managing editor of the Chicago Tribune. Met Mr. Barr on one occasion only. Witness thinks it was the Monday before election last November.

"Q. Who was present at that time? A. Well, Mr. Barr and a gentleman who, I think, was Mr. Lausterer, came up to the office, possibly between four and five o'clock in the afternoon, sent word in by the stenographer that they wanted to see me on business, and I asked them to come in and they came into the room. They very politely suggested that in connection with our report of the election returns it would be a proper thing to mention that the first returns were received from the voting machine precincts, or by way of the voting machines, or from the counts made on voting machines. They had suggested this when Mr. Keeley came in the room; in passing through from his room into the local room he ordinarily passes through my room.

"Q. The passageway goes through your room, does it? A. The passageway from his room through the library into my room on into the local room, and he was passing through merely casually and the conversation attracted him as it naturally would, and he stopped to listen to what their suggestion was, and having heard it, before I said anything as to what we could do, he called their attention to the fact which appealed to them as correct, I believe, from their action, that the City Press or the City News Bureau in its returns sends the results in by—in bunches of five precincts. For example, the first five precincts, and then jump, the first ten, and then the first twenty, and accumulate in that way, gives so-and-so for Wilson, so-and-so for Taft and Roosevelt, and he called their attention to the fact that the returns as collected by the City News Bureau did not specify whether they were voting machine returns or paper ballot returns.

"Q. Yes. A. And then we both remarked that it would hardly be feasible to make this statement, and in that way they—I don't recall any further conversation, and they went on out. The only time I ever saw either of them.

"Q. Did either of the men give any evidence of recognition of Mr. Keeley? A. They did not, I am positive they did not know Mr. Keeley. When he came in I don't think his name was mentioned, he just dropped into the conversation, they did not know my name, except I was managing editor, he just came in and stood by the desk, by the files by the desk.

"Q. Did neither of them speak to Mr. Keeley when he came in? A. No, sir, he didn't know them.

"Q. Give any recognition of them at all? A. No, sir, just heard the subject of voting machines.

"Q. He did not speak to them? A. No, sir, just came into the conversation in that casual way, not any introduction on either side.

"Q. You are positive that was last fall? A. I am positive it was the day before election.

"Q. That is all. A. I remember, then, or I remember now, that there had been some test or trial of voting machines on two or three occasions before that; so I am positive it was last November. I don't think it was election day, I think it was the day before, because at four o'clock on election day we were all very busy on our tabular work. My recollection is that it was Monday."

"The CHAIRMAN. Was your business manager ever approached by any agent of the Empire Voting Machine Company for the purpose of inserting ads in your paper, supporting the Empire voting machine deal?

"A. Not that I know of. It would not be natural for me to hear anything about it. I do not see him very often. I don't know anything about that end of the office.

"The CHAIRMAN. Information came in an indirect way to the Chairman, that various papers had been approached to buy advertising space, the gentlemen approaching the paper thereby hoping to obtain—

"Mr. THOMASON. I will advise the committee that the business manager of the Tribune has something along that line.

"Mr. KEELEY. I had something in mind in connection with that."

Afternoon Session.
Tuesday, August 19, 1913.

CHARLES GOTTHART:

2596

Direct Examination by Mr. Deneen.

Reporter for the Chicago Tribune. Witness was in Ottumwa, Iowa, from August 15th to August 18th last. Is familiar with the affidavit of Mr. Marriott.

"Q. While you were in Ottumwa, Iowa, did you see John W. Gray, whose name was mentioned in that affidavit? A. I did.

"Q. Who is he? A. He is former police chief, who is now in the private detective business.

"Q. I will direct your attention to a paragraph in the affidavit, 'I, Edward E. Marriott,' reading as follows, referring to the statement of Mr. Gray, the claimant's statement of Mr. Gray to Mr. Marriott, 'Barr told us that he had paid big money to get the contract, that the big mistake he made was not to give \$50,000 to Jim Keeley, the publisher of the Tribune. Barr said that Jim Keeley demanded \$50,000 but we refused to pay him if he had got that there would not have been any of this trouble with the voting machine contract. The Tribune and all other papers had been for voting machines, and they would never have thought of fighting the contract if the Tribune had not started the trouble when we refused Keeley's demand for \$50,000.' What did Mr. Gray say to you in reference to the statement attributed to him in the affidavit? A. Mr. Gray said that he never—

"Mr. McEWEN. When was the time you were in Ottumwa?

"A. Friday. I got home this morning. Last Friday. I went down on the eleven o'clock train.

"Mr. McEWEN. I wish to reserve an objection on the ground it is hearsay.

"The CHAIRMAN. The objection may be entered, the witness may answer the question.

2598 "Mr. THOMASON. Answer the question.

"A. Mr. Gray told me that he never knew there was such a man as Jim Keeley until he saw it set forth in the affidavit, that was presented to him by our correspondent there on Thursday afternoon.

"Q. What did Mr. Gray say with reference to the

entire statement attributed to him in the affidavit of Marriott? A. He said it was a pack of lies; that Marriott was drunk, and that the only thing that he gave Marriott was an affidavit that Marriott brought back to Chicago on the Saturday, I believe, the 9th, I believe it was, and that was to the effect that he had known Mr. Barr for five years, and that he and Piekler and Arrison, for compensation agreed to bring Mr. Barr and Charles A. Walsh together."

Q. How many times did you talk to Mr. Gray? A. Oh, four or five.

Q. On different days? A. Yes, sir.

Q. Where? A. In his office, on the street, and at the Laeledge Hotel.

Q. While you were in Ottumwa did you talk to Newton M. Arrison? A. Newton L. Arrison.

Q. Newton L. Arrison? A. Yes.

Q. Who is he? A. He is ex-city clerk.

Q. He has attributed the statement—the statement is attributed to him in the affidavit of Marriott, that "if it wasn't for my friendship for Barr, and my love of fair play, I could hardly resist the offers of big money that are made by Deneen and others to any of us fellows who will go to Chicago and back up the things put forth in that paper that Duke gave to Boyer." Did you question him in reference to this statement attributed to him? A. I did.

He said he didn't know—that Deneen and Butts offered to buy the contract at the face value and pay their expenses if they would testify.

Q. Did he say he was to get any other money of any kind? A. No, sir.

Mr. McEWEN. I want to save an objection to all of these Ottumwa interviews, as being hearsay and I want my objection noted so I may argue, if we ever get to argue that evidence.

The CHAIRMAN. The objection may be noted.

Mr. THOMASON. It is understood it goes to all of this testimony?

Mr. McEWEN. Yes.

Mr. THOMASON. Q. What did Mr. Arrison say with reference to his relations with Mr. Marriott, when Marriott was in Ottumwa?

A. He said he refused to talk to Marriott and that 2600 he could confirm that by Judge Moon, the local counsel

for W. H. Barr, Mr. Moon did confirm it so far as it related to an independent conversation, for he said Marriott was there with a little yellow pad, and fired various questions at Arrison and Arrison kept saying, "Go away from me; I don't want to talk to you," and he finally asked some simple questions as, "Do you know Mr. Lawrence?" and "When have you seen Mr. Lawrence?" and Judge Moon said, "Go ahead and answer those questions, it is all right."

Q. He answered nothing else? A. No, sir, he said he didn't know there was such a man as Brennan, for instance.

Q. While you were in Ottumwa did you talk to Albert S. Moon? A. I did.

Q. Who is he? A. He is ex-State Senator. He was magistrate when Arrison was city clerk and Pickler mayor.

Q. In the affidavit it is stated, "Barr said to him, 'Moon, the mistake we made was when we refused to give Keeley of the Tribune the \$50,000 that he asked, and then he would never have made this fight against the Empire Voting Machine contract in Chicago,'" did you question Moon in reference to that? A. I did. Mr. Moon said that he had never given any news to newspaper men and he made no exception to that in the case of Marriott. He said, "I have seen the statement, and I think that I ought to make a statement on that." As
2601 a matter of fact he telegraphed to Chicago as to whether he should make a statement and then he gave me a signed statement that he had never mentioned it.

Q. Just a minute. Have you that statement? A. Yes, sir.

Q. Did you see him sign it? A. I did not see him sign it.

Q. Do you know whether it is in his handwriting? A. It is, he showed it to me and showed it to our correspondent, and Gray knew about it, because he told them.

Mr. THOMASON. I desire to offer this statement of Mr. Moon to the committee and ask it be read into the record.

The same objection?

Mr. McEWEN. It is the same as published in the Tribune?

Mr. THOMASON. Yes, I think so.

The CHAIRMAN. It is the same statement as made to the chairman of this committee.

Mr. WALKER. May I see it? I have not seen this statement, or any account of it, I being away from town.

The CHAIRMAN. Certainly.

Mr. McEWEN. It is the same statement?

The CHAIRMAN. Mr. Whittaker, please read it into the record.

(Mr. Whittaker reads Mr. Moon's statement, as follows):

EXHIBIT I.

It is not my custom to discuss the affairs of a client with newspaper men. I have not made an exception to this rule in Mr. Marriott's case. I did not say to Mr. Marriott that Mr. Arrison and Mr. Gray had told me that Mr. Barr said to them that it would cost a big sum to get the Chicago voting machine contract. I did not say to Mr. Marriott that Mr. Barr had told me and my law partner that Mr. Barr said: "A mistake was made when we refused to give Jim Keeley of the Tribune, the \$50,000 that he asked." I did not say to Mr. Marriott that Mr. Deneen and other politicians had \$15,000 to spend to get
2602 the testimony of these men in Ottumwa. I did not say to Mr. Marriott that the Tribune was willing to come across with a few thousand more. Such matters as I have received from Mr. Barr or any other clients are held by me in confidence and under the obligations of an attorney.

The Moon letter is marked "Keeley Exhibit 10 of August 19, 1911."

2604 "The CHAIRMAN. Right at this juncture I might say for the information of the committee here and for the record that the chairman, by direction of the committee wired to Mr. Pickler and Arrison and Gray and Duke at Ottumwa and also wrote letters to Mr. Gillmore and Moon and wired them likewise to be present here this morning at 9:30 and have here a letter from Mr. Moon which I shall read into the record, if there is no objection on the part of the Commission at this time (reading):

“ ‘EXHIBIT I.

OTTUMWA, IOWA, Aug. 16, 1913.

*Hon. Lucas I. Butts,
Chairman Investigating Committee,
Chicago, Illinois.*

DEAR SIR:

In reply to your telegram of the 18th inst., I beg to say that I have already given to the press a statement with reference to the Marriot affidavit. I am enclosing herewith a duplicate of same signed by me. I trust that your committee will appreciate the fact that, as an attorney for Mr. Barr and the Empire Voting Machine Co., I am not at liberty to speak as freely as though no such relation existed. I believe that my statement includes all of the things that I can properly say and believe that on reading same you will come to a like conclusion.

Your telegram to Mr. Gilmore is also received. Mr. Gilmore has been absent on his vacation for more than two weeks and I cannot say exactly when he will return. You will, of course, understand that his relations to Mr. Barr and the Empire Voting Machine Co. are those of attorney and I have no doubt that he would view the matter as I do.

Yours very truly,
(Signed) E. G. MOON.' ”

“ ‘KEELEY EXHIBIT I.

2605 It is not my custom to discuss the affairs of a client with newspaper men. I have not made an exception to this rule in Mr. Marriott's case. I did not say to Mr. Marriott that Mr. Arrison and Mr. Gray had told me that Mr. Barr said to them that it would cost a big sum to get the Chicago voting machine contract. I did not say to Mr. Marriott that Mr. Barr had told me and my law partner the same story. I did not say to Mr. Marriott that Mr. Barr said: "A mistake was made when we refused to give Jim Keeley, of the Tribune, the \$50,000 that he asked." I did not say to Mr. Marriott that Mr. Deenen and other politicians had \$15,000 to spend to get the testimony of those men in Ottumwa. I did not say to Mr. Marriott that the Tribune was willing to come across with a few thousand more. Such matters as I have received

from Mr. Barr or any other clients are held by me in confidence and under the obligations of an attorney.

(Signed) E. G. MOON.'''

2605½ Accompanying the letter was a duplicate of the Moon statement previously read and marked here "Exhibit 10, of August 19, 1913."

"MR. THOMASON. In the affidavit of Edward E. Marriott there is attributed to Mr. Moon, by Mr. Marriott, this statement, 'Deneen told Arrison and Gray that if they would testify in Chicago, he, Deneen, would assume the one thousand dollar payment, promised by the Empire Company, and pay them lots of money besides. Deneen, Butts and the other politicians have fifteen thousand dollars to spend to get the testimony of these men and the Chicago Tribune is ready to come across with a few thousands.' Did you talk to Mr. Moon with reference to that statement attributed to him?"

"A. I am not certain whether I did on that paragraph or not.

2606 Q. You are not certain? A. No, sir, I had to Arrison.

Q. I beg your pardon? A. I had to Arrison.

Q. This is with reference to Moon? A. Well, no, that part of the money from the Tribune that is covered in his statement, see?

Q. Did Mr. Moon make any statement in reference to Mr. Marriott? A. Yes, sir, like Gray and Arrison and all the rest, he said Marriott was drunk.

Q. When? A. All of the while he was there.

Q. Where? A. In Ottumwa.

MR. THOMASON. That is all.

THE CHAIRMAN. Does Counsel wish to ask the witness questions? (No response.)

THE CHAIRMAN. Any of the Commissioners?

SEN. CANADAY. I would like to ask the gentleman, did these men give any reason why they would not come before the sub-committee while they were up there?

A. Yes, sir, they were interfered with.

2607 Q. They were interfered with? A. Yes.

Q. In what way?

MR. THOMASON. State to the Commission anything you know.

2607 "A. Well, Newt Arrison said that he would come, I invited them, and Newt Arrison said that he could come,

if it became a matter of self-protection, but he talked about sluggers in Chicago; so did Duke, and Arrison said that Marriott told them and also another man told them, if he came to Chicago he would be subjected to Mr. Walker's brutality and his merciless cross-examination, and he would be kodaked and misrepresented in the newspapers and would be liable to be slugged before he came back.

"SEN. CANADAY. He considered it a very dangerous place to be, in Chicago?

"A. Sir?

"Q. He considered it a very dangerous place to be, in Chicago, then? A. He seemed to think so; as a matter of fact, they are satisfied now that they have got their money, that is all they are interested in; they don't care for the committee.

"Q. I was simply wanting to know why they would tell individuals their story but would not come before the Commission, that is what I am trying to get at. A. I beg your pardon?

"Q. I am trying—simply wanting to know why they would tell their story to individuals who went there, but would not come before the committee and testify. A. 2608 Well, your wire to Pickler—now Pickler was in the West Hotel in Sioux City, until this morning, when he went to Omaha. When Mrs. Pickler got the wire, she called Arrison and he said just put it in an envelope and he will get it soon enough. Arrison laughed about the thing, and Gray talked about the thing. Moon controls the situation. They all figure that Barr is a good fellow and what is the use of getting anybody in wrong; they laugh about this Keeley thing, they simply say that is a counter-irritant, there is nothing in any of it, that is all they think.

"Q. How did they get this information that they would be liable to be slugged in Chicago? A. Well, that was talked to them by somebody down there whom they would not name, Marriott told Arrison, he said, and also said that Bill Roberts, the labor reporter on the Examiner, told them all about Mr. Walker and how merciless he was on cross-examination, and would make monkeys out of them.

2609 "Q. And would be allowed to be slugged if they come up here?

"Mr. WALKER. Who? By me?

"A. They meant with your tongue.

"Mr. WALKER. On my cross-examination of them?"

"A. Yes; but they did not call you Mr. Walker, you are known as 'Judge Walker' all over the town.

"Sen. CANADAY. Who is Bill Roberts?"

"A. He is the labor reporter on the Examiner. After the committee met on Monday night, and everybody went home, this man, George Klein, he is a bootlegger, he has the Laclede Hotel, that seems to have been made the headquarters down there by Marriott, and they said that Arrison was coming before the committee to testify Wednesday morning, so that night, Roberts, of the Examiner, came up.

"Q. He came to Ottumwa? A. He came to Ottumwa, thinking that Arrison was going to come down; first Marriott phoned him, phoned George Klein, asking him to meet Roberts and present him to Arrison, that is what they told me.

"The CHAIRMAN. What was the object of Roberts' trip to Ottumwa?"

"Mr. WALKER. As they say?"

"A. I inferred that they did not want them to come down.

"Mr. McEWEN. What place was that? You say Klein's place?"

"A. Yes, the Laclede.

"Mr. McEWEN. I don't know what place it was, where they met.

"Q. That is where they sell—where they sell liquor illegally, the 'speak easy,' the 'blind pig,' or the 'bootlegger.'

2610 "Rep. JAYNE. You say that they were satisfied now because they have received their money?"

"A. Yes.

"Q. How do you know they have received their money? A. I asked Gray that and Gray said he was going to be a good fellow. He said he was satisfied. He was going to be a good fellow; and I said, 'Did you get yours? Three hundred and thirty-three and a third?' and he said, 'You're dam right I did,' and I saw Newt. Arrison and I said, 'Did you get yours?' and he said, 'No, it is over there for me. It is safe in Judge Moon's hands.'

"Q. You say Roberts arrived in Ottumwa? A. He arrived in Ottumwa at 1:15, and registered at the Laclede, at this bootlegger's hotel; he stayed there Wednesday and left Thursday afternoon at 1:35.

“Q. He arrived there Tuesday? A. Part of Tuesday night, at 1:15 Tuesday night.

“Q. What time did he leave? A. Thursday afternoon, at 1:35.

“Q. Did you say you thought his purpose was to see them in going there? A. To show these fellows they did not have to come, I guess.

“Q. What did they tell you Roberts had said to them? A. Just about Judge Walker.

“Q. What did they say about that? A. That he had
2611 a great reputation as a cross-examiner, was merciless, and would rip them up one way and another, and the newspapers would kodak them, and that he was liable to get ‘slugged,’ that they killed people in Chicago for \$500; yes, and \$50; that—they were ‘buffaloed’ right, and there was no getting away from that; somebody did it.

“Q. Were you in George Klein’s place? A. I was, yes, sir, but I did not drink. I have not drank for two years and a half; but I was.

“Q. Were you—you were at George Klein’s place? A. Yes, sir, yesterday afternoon, and was just starting to get busy to write when I was phoned to come home.

“Q. Were you in Wallace Brothers’ place? A. No, sir, I don’t know where Wallace Brothers’ is.

“Sen. CANADAY. I want to know who was going to do that ‘slugging.’ That is what I am trying to get at. Was some newspaper going to do that?

“A. Sir?

“Q. Did he accuse some newspaper of slugging for \$50. A. You are getting personal.

“Q. I would like to know. A. No, sir, there was nothing mentioned at all.

“Q. If that is what they are doing, we ought to know about it. A. Duke told me about somebody was warning
2612 him not to come to Chicago.

“Q. What I would like to know is, who was going to do that? A. Duke would not tell me; some local man passed the word to Duke.

“Sen. LANDEE. Did he give any reason why he would not testify for the sub-committee that went to Ottumwa?

“A. Pardon me.

“Q. Did he give any reason why he would not testify for the sub-committee that went to Ottumwa? A. They just thought that it was not very fair; they said Barr was a good fellow. You see, Barr—trying—the town has been

dry since July, a year ago, and since Klein ran a saloon on Second avenue, across the hill from the Courier office, and Barr used to make that his headquarters and used to spend \$20 to \$40 a day; that is the whole proposition, this whole proposition was talked over and discussed over, every bit, but Klein also told me that he never heard of Jim Keeley or the Tribune. Klein told me that yesterday afternoon. That I remember. These fellows, the three of them, have certificates of salesmanship showing that they were duly authorized agents, for just such a contingency as this.

"The CHAIRMAN. From whom?

"A. From the Empire Voting Machine Company.

"The CHAIRMAN. They were not afraid of being 'slugged' in Ottumwa if they testified, were they?

2613 "A. No, sir, but I think when the committee was up there they saw their money; that is all, the situation is just this: That they got the red rag and shook it in front of the bull, and when the flag is restored they are going to forget you folks.

"Sen. CANADAY. They were not afraid of being slugged in Ottumwa if they testified, were they?

"The CHAIRMAN. He wants to know if they were afraid of being slugged in Ottumwa if they testified before the sub-committee.

"A. No, sir, they were not afraid, but they thought this was a Chicago committee and Barr was a good fellow, and they were not going to get Barr into trouble.

"The CHAIRMAN. The chairman was named in this affidavit of Marriott's, and for that reason I would like to ask, while you were in Ottumwa interviewing Pickler, Arrison and Gray, did any of those men say that they were offered any more than \$1,000 and their expenses?

"A. No, sir, they said something about you and Mr. Deneen talking with them, then I believe they said they had a talk in the park, Gray and Arrison and Gov. Deneen, and said that you wanted to get possession of that contract. No, sir, they did not say anything about any big sum, but paying their expenses, and I told them we would pay their expenses still if they would come. I don't know whether that was right or not.

"The CHAIRMAN. Any other questions by the committee? By the attorneys? I would like to ask another question:

"Q. Did Mr. Duke say anything to you about whether

he had been threatened in his office at any time? A. Yes, he said he had; that Marriott threatened him.

"Q. What did he say to him? A. Well, there is one phase of the situation that I was not able to explain. I did not have time enough to work on it. It seems that Marriott went to call on George Klein, the bootlegger, and the proprietor of the Laclede House, who took him up and introduced him to Duke. I don't know whether he figured that Klein had something on Duke or not, but Klein introduced Marriott to Duke and as Duke explained to me, Marriott sat down on the opposite side of the table and said, 'Now, you told So-and-so, so-and-so.' And Duke said, 'I don't allow anybody to talk that way to me,' and Marriott said, 'You will be disbarred,' and Duke said, 'I don't allow anybody to talk that way to me.' I have a witness for this also, and seeing Klein going in and introducing him, and then Marriott ran out the door with What's-his-name after him, and when he got out of the door he stuck his face back and said, 'I am going to have you disbarred, anyhow.'

"Q. But who did Marriott say he represented, if anybody? A. Marriott said that he represented to him the same as he told Charlie Walsh and everybody else, that he was down there as the personal representative of Mr. Lawrence, was not getting anything for publication, but just wanted to get the true inside facts, for personal information and not for publication.

"Q. That is the reason he threatened Duke? A. Duke tells me that Marriott had a verbatim copy of the affidavit that was not published until the 15th, and that is Duke's statement, that he had it on that Friday, on the 8th, in fact, he had it a week ahead, before it was general information, that there was such a statement."

GEORGE E. BRENNAN :

2619 "Mr. BRENNAN. I will just make one—make a short statement. My name was used in these affidavits. I want to say that I was not at Ottumwa any time in my life or any other city in Iowa. I have passed there on the train, but I never got off. I never was on Iowa soil so I never have spoken to any of these gentlemen. There is not anything else that I care to say except that I don't know any of these gentlemen, never met them, never was in

Iowa, and I don't know that I have a great deal of interest in the case."

EDWARD E. MARRIOTT:

Direct Examination by Mr. Deneen.

2631 Resides at 2150 Park avenue, Chicago. Is a reporter for the Examiner, about 3½ years.

"Q. Where were you employed before three and one-half years ago? A. New York.

"Q. What paper? A. Why, the American Press Association and Evening Mail.

"Q. At the same time, employed jointly? A. No, sir.

"Q. State your employer for whom you worked before the Chicago Examiner? A. The American Press Association.

"Q. The American Press Association, New York City? A. Yes.

"Q. For what period were you employed by that association? A. About two years.

"Q. Before that where were you employed? A. For the Evening Mail in New York.

"Q. Just a minute, talk slower, the Evening Mail, for about how long a period? A. About two years.

"Q. Before that where were you employed? A. In Philadelphia.

"Q. For what? A. On the North American.

"Q. The North American in Philadelphia, for how long. A. Twenty-two months.

"Q. Before that, where were you employed? A. On the Public Press in Philadelphia.

"Q. For how long a period? A. Two years.

"Q. Before that where were you employed? A. The Philadelphia Record.

2633 "Q. For how long? A. Three years.

"Q. Before that, where were you employed? A. The New York American.

"Q. For how long a period? A. Three and one-half years.

"Q. Before that, where were you employed? A. The New York World.

"Q. For what period? A. Nine or ten years.

"Q. Before that, where were you employed? A. The New York Times.

"Q. In New York City? A. Yes, sir.

"Q. For how long a time? A. About six months.

"Q. Before that, where were you employed? A. Why, the Consolidated Gas Company in New York.

"Q. For how long a period? A. About three years.

"Q. In what capacity? A. Stenographer.

"Q. Before that, where were you employed? A. No-where."

2634 Witness worked for the Philadelphia Record for three years. Witness was not arrested while so employed. Was not put in Moiamensing Prison and was never in jail there.

Witness was never connected with the Betsey Ross Flaghause Association. Witness knows a man named Adams, but does not remember any police lieutenant named Francis A. Adams, and was not arrested on his complaint.

2635 Was not charged with larceny and criminal libel on June 13th or 14th, 1901.

As a newspaper man, witness was interested in the Betsey Ross Association, but was never connected with it.

Witness was never in prison at any time or anywhere.

Witness was not discharged from the New York Evening Journal for making false expense accounts. He resigned from the paper.

2636 Witness was employed by the New York World, but was not discharged for stealing valuable books from the library.

2637 Witness was not discharged from the New York Evening Journal for diverting free tickets which came to the paper and selling them.

Witness was not in 1899 or 1900 charged with padding the payrolls of the New York Evening Journal, and his furniture was not seized by the Evening Journal to reimburse itself.

Witness went to Ottumwa, Iowa, on August 8th and was there the 8th, 9th, 11th and 12th. Witness was in Chicago on the 10th.

2638 Witness returned to Ottumwa on the afternoon of the 10th in company with Mr. Frank Walker, attorney for Mr. A. M. Lawrence.

Judge Moon, with whom witness talked in Ottumwa, said he was attorney for the Empire Voting Machine

Company, and as far as witness could gather, for Mr. Pickler, Mr. Arrison, and Mr. Gray.

2639 "Q. Did you hear Judge Moon's statement read here a little while ago? A. I did.

"Q. I will read the statement as I run along. (Reading.) 'It is not my custom to discuss the affairs of a client with newspaper men. I have not made an exception to this rule in Mr. Marriott's case. I did not say to Mr. Marriott that Mr. Arrison and Mr. Gray had told me that Mr. Barr said to them that it would cost a big sum to get the Chicago voting machine contract.' Is that true, or do you dispute it? A. Mr. Moon did say to me that Mr. Arrison and Mr. Gray and Mr. Pickler had said to him that a big sum would have to be paid to get the Chicago voting machine contract.

"Q. Again (reading). 'I did not say to Mr. Marriott that Mr. Barr had told me and my law partner the same story.' Is that true or false? A. It is false.

"Q. Again (reading). 'I did not say to Mr. Marriott that Mr. Barr said, "A mistake was made when we refused to give Jim Keeley of the Tribune the \$50,000 that he asked."' Is that true or false? A. It is false.

"Q. Continuing (reading). 'I did not say to Mr. Marriott that Mr. Deneen and other politicians had \$15,000 to spend to get the testimony of these men in Ottumwa.' Is that true or false? A. He did say that to me, which he there denies saying to me.

"Q. Continuing (reading). 'I did not say to Mr. Marriott that the Tribune was willing to come across with a few thousand more.' Is that true or false? A. 2640 He did say to me that which he there declares he did not say.

"Mr. DENEEN. This is not a question. I will read the rest of the statement. (Reading.) 'Such matters as I have received from Mr. Barr or any other clients are held by me in confidence and under the obligations of an attorney.'

"Q. Regarding this \$15,000, what was said about that \$15,000? A. Why, he said—it was in the course of a statement made to me in his office, in which he said that former Governor Deneen had met Arrison and Gray at the train and had made big, strenuous efforts to get them—

"Q. What was said about the \$15,000? A. Then he said that they had \$15,000 to get them to testify.

“Q. ‘That they had’? Who? A. That Deneen and Butts had.

“Q. Had \$15,000 of Committee funds or private funds? A. He didn’t specify what it was; but he said that they offered these men \$1,000 and put \$500 each in a bank, which he said was the National Bank of the Republic; I don’t know what city he meant; but he also said that they had other money to give them, and that they had \$15,000.

“Q. Did you ask him the name of the bank? A. Well, he said the National Bank of the Republic.

2641 “Q. Where? No statement was made about that? A. No.

“Q. What else did he say to interpret that? A. Well, I understood him to say that you and Mr. Butts agreed to take up a certain contract for \$1,000, the Empire Voting Machine Company having agreed to pay these men \$1,000, and you agreed to take up that contract, and you also agreed to give them \$1,000, besides that; and you also agreed to pay their expenses; and that was not the limit; there was \$15,000 that you had to use for this purpose. And he also added that you and Mr. Butts put \$500 each in the National Bank of the Republic.

“Q. To whose credit? A. That is all he said about it.

“Q. Did you ask to whose credit that was placed? A. No, I did not.

“Q. And you don’t know the bank? A. Well, he said the National Bank of the Republic.

“Q. That two amounts of \$500 each were placed in the National Bank of the Republic? A. Yes.

“Q. Was anybody’s name mentioned in connection with that? A. Butts and Deneen.

“Q. Any man in connection with the bank? A. No.

“Q. You are not sure that the bank was in Chicago? A. I said he said the National Bank of the Republic.

“Q. Did he say anything to you that would in any shape indicate to you that that was the National Bank of the Republic? A. I didn’t know there was such a bank.”

2642 Judge Moon did not mention the location of the National Bank of the Republic mentioned in the witness’ affidavit.

Judge Moon’s statement was made in his office twice, once to the witness alone, and once in the presence of Mr. Walker.

Mr. Walker did not ask the name of the bank or to

whose credit the money was deposited or anything about the money.

2643 Judge Moon did not state when the money was deposited when he told him that it was deposited.

2644 Judge Moon did not state of whom Mr. Keeley had asked \$50,000.

2645 Witness did not ask Judge Moon for any particulars concerning the alleged demand by Mr. Keeley for \$50,000, nor did Mr. Walker, in witness' hearing.

Judge Moon told witness he would not give this information to the Committee.

2646 Witness had no letter of introduction to Judge Moon, but went into his office as a reporter for the Examiner. "He said he was glad to see me; that he was waiting to see me, and that he was glad to see me."

"Q. What did he state to you, in that conversation?

A. Well, he said to me that Duke's affidavit, or Duke's statement given to Boyer was very wrong, all wrong; that, as a matter of fact, it was unprofessional on the part of Duke to have made any such statement; that he, Moon, had \$1,000 in his possession for Arrison, Gray and Pickler; that the whole dispute as to money had been settled between Arrison, Gray, Pickler and Barr; and that he was ready to pay over this money when some indefinite time had elapsed.

"Q. What was the indefinite time to which he referred?

A. He kept that to himself; I tried to get him to tell me.

"Q. Did you ask him what it was? A. Yes, I did; I asked him when it was.

"Q. Did he say anything about the Empire Company having signed a contract for the payment of that money?

A. Yes, he said so.

"Q. And that he held that money to be paid to them after an indefinite time? A. An indefinite time, yes.

"Q. What did you ask him about the time? A. Well, I said, 'Is it within a month or two,' and he said 'I can't say,' and just at that time Gray came in and then Mr. Moon said 'We won't talk about it any more.'

"Q. He said that before Gray? A. Yes.

"Q. Did you discuss this matter among yourselves; while Gray was there? A. Yes, there was a question arose as to when the money should be paid; and Gray said he was quite satisfied it would be paid.

"Q. That was talked right before you? A. Right before me."

2648 Witness met Mr. Gray in the lobby of the Ballingall Hotel. He introduced himself and had a conversation with him.

Witness and Mr. Gray were alone the first time witness met Gray.

“Q. Did you discuss this case with him, or the matter before the Committee? A. I began to discuss it with him.

“Q. What did he say to you? A. This was at 7 o'clock on Saturday evening. He began to tell me, I asked him to tell me what he knew about the Duke statement, the Duke statement given to Boyer.

“Q. What did he say to you? A. He said to me that Duke had been his counsel and they had double-crossed him and betrayed him.

“Q. Did he make any further statement? A. Yes, he said that he and Arrison and Pickler had engaged Duke in a claim that they had against Barr; and that after that they settled this claim and the money was paid, and that Judge Moon had the money; and that after Duke knew that the claim was settled and that the money would be paid, he had made false statements in this paper that was given to Boyer; and that he and Arrison and Pickler were very angry against Duke; and that they thought he had betrayed them, double-crossed them.

2649 “Q. What did Mr. Gray state to you with reference to the services he had rendered for the \$1,000? A. He said that he and Pickler and Newton Arrison had been more or less friends together; and that Arrison had gone to Chicago and had introduced Mr. Barr to Walsh and through him to other people.

“Q. What other people? A. Well, I don't know of any other people; he said he did not go to Chicago.”

2650 Mr. Gray left Moon's office shortly after coming into it when witness was there and returned while witness was still there.

Gray had a newspaper and the affidavit which had been prepared for him by Judge Moon.

2651 Judge Moon told witness he had prepared this affidavit and afterward would get the Arrison and Pickler affidavits made. Gray swore to the affidavit while witness was present. It has not been produced at this hearing and witness has the affidavit with him. Gray did not ask for money and witness gave no money to Gray.

2652 Witness met Arrison first at Moon's office shortly after ten o'clock on the night of the 9th of August.

2653 Gray, Moon and Arrison and the witness were present. Arrison refused to talk about this case.

2654 Witness saw Gray on the afternoon of the 11th after the sub-committee had left Ottumwa in the witness', Marriott's, room at the Ballingall Hotel.

The witness, Pickler, Arrison, Gray, Mr. Walker and a lawyer of Ottumwa, named Jacques were there.

2655 "Q. What did Mr. Arrison say to you while those men were present about this case? A. Well, he said that 'if you knew of the efforts that are made to get us to testify it would surprise you.' He said 'The Roger Sullivan crowd, George E. Brennan, has been busy here all this last week and if you knew what they were offering you would go up in the air.'

"Q. What was said by you in reply to that? A. Well, I didn't say anything of any account.

"Q. What was said by Mr. Walker? A. I don't know that he said anything.

"Q. What was said by Mr. Thomas Pickler in reference to that statement? A. I don't believe he said anything.

"Q. Did Mr. Gray say anything about it? A. No.

"Q. Were any questions asked of Mr. Arrison as to the efforts being brought forth by Mr. Sullivan or Mr. Brennan? A. No.

"Q. You knew that Mr. Sullivan was not on the continent at that time? A. I did, yes.

"Q. Did you know that Mr. Brennan had been in Iowa? A. Not at all.

"Q. And no questions were asked about either Mr. Sullivan or Mr. Brennan about their activities in Iowa? A. There was nothing said about Mr. Sullivan's activities.

"Q. Or Mr. Brennan's? A. Well, the way it was put was just as I said 'If you knew what the Sullivan crowd, George E. Brennan, have been doing here you would go up in the air.' "

2658 On the night of the 11th witness saw Arrison sitting on the sidewalk in front of the Laeledge Hotel. Pickler was sitting with him and witness believes that Mr. Walker was in hearing.

2659 Arrison said that big money was being offered to induce him and others to go to Chicago now. Witness did not ask Arrison by whom or from whom the big money was coming.

2662 Judge Moon did not state to witness that he had acted as attorney for Pickler, Arrison and Gray; he said he had done things for them.

"Q. Did he not state to you that he had recommended these men to go to Mr. Duke to collect the \$1,500 from the Empire Company because he could not take their cases. He represented the Empire Company? A. Nothing of the kind was said."

Witness is handed a statement in the Chicago Examiner appearing in quotation marks as coming from the witness and says there are things in the statement which he does not recollect having said.

"I never said that; every statement that I made in my affidavit as coming from these men in Ottumwa has been substantiated by Mr. Francis W. Walker."

"I did not say 'the impropriety of the chairman of the Committee in making or countenancing such occurrence is manifest.'"

2664 The witness did not prepare a written statement for the printer, but made statements before Mr. Walker, Mr. F. Lawrence, and a stenographer.

"Q. And did the stenographer take down your statements? A. I don't know, I didn't know it was to be printed.

"Q. Was Mr. Walker there when the statements were made? A. He was not there when that statement was made.

"Q. Was Mr. Fred Lawrence there when that statement was made? A. Well, I say that as a statement I never made that statement, but I made statements and was there and the stenographer was there. And the result of it is that I do not remember to have made that statement as it is there.

"Q. You read it the next day? A. I read it the next day.

"Q. You have not corrected it? A. No.

"Q. Have you discussed it with Mr. Walker? A. Never.

"Q. Have you discussed it with Mr. Fred Lawrence? A. No.

"Q. Have you discussed it with anybody? A. No.

"Q. You let it go unchallenged? A. Yes.

"Q. And uncorrected? A. Yes."

2666 Witness did not state that all the statements made in his affidavit could be vouched for by Mr. Walker, "but that the statements made by Moon and statements made

by Arrison and statements made by Walsh in my affidavit, and all but one statement made by me could be vouched for by Mr. Walker."

Mr. Walker probably heard witness make this statement. There was a stenographer present but witness was not dictating a statement but answering questions of Mr. Fred Lawrence and Mr. Walker.

Witness answered these questions in the editorial rooms of the Examiner office and the statement must have been prepared on Thursday night. It was published Friday.

- 2668 Witness is handed a copy of the Chicago Inter Ocean and his attention called to a statement of an interview purporting to come from Charles Walsh, in which the statement is made, "I did not tell him that I talked with Arrison, Gray and Pickler, on December 10th, and such was not the case, for in fact I did not talk with Gray and Pickler at all and knew nothing about it until Arrison came to Chicago; but whatever time that may have been I have no recollection of the time, and told me that my old political friends, himself, Gray and Pickler, wanted me to go to Mr. Barr and get information from him as to political control as to the conditions in Chicago and make him acquainted with such parties as it might be important for him to meet while trying to sell machines of his company. Arrison said that it might be a great favor to him, Gray and Pickler. I told him at the time that I would be glad to go to Mr. Barr any time in my power and to make him acquainted with certain people that I knew."

- 2669 "Q. Now, in view of this statement, do you desire to correct your statements that appear in your affidavit as coming from him? A. I would just as soon, it seems to be a very little different."

* * * * *

"Q. I notice in the statement here that Mr. Walsh said that 'they wanted him (meaning Mr. Walsh) to give Mr. Barr all the information as to the political control of conditions in Chicago and to make him acquainted with such parties as it might be important for him to meet while trying to sell machines of his company.' Who are the other men that they talked about? A. That is too much for me, if you will repeat the question.

"Q. Did you talk with him about this, with Mr. Walsh? A. I talked with Mr. Walsh about him, about Arrison,

Arrison's visit to Chicago and about Arrison calling on Walsh and Walsh going to the Grand Pacific Hotel at night and afterwards Walsh introducing Barr at the Election Commissioners' Office to Mr. Stuart.

"Q. Did you talk with him? A. I did.

"Q. Did Mr. Walsh then bring out the conversation that was had between Stuart, Arrison and Barr? A. 2670 He said that he introduced Mr. Stuart to Mr. Barr and left them there.

"Q. Did he state whether or not he had talked with Mr. Arrison and Mr. Barr about the result of the conversation between Mr. Stuart and Mr. Barr? A. No, he did not.

"Q. Did he state when these introductions occurred? A. Well, he said he thought it was in January, 1911—or he thought it was in December, 1910, Barr told him that he (Barr) understood that Arrison was registered—had registered at the Grand Pacific Hotel in January, 1911, and then he said, 'Well, I guess it must have been January, 1911.'

2671 "Q. Did he talk about any other persons to whom he had made introductions in behalf of or for Mr. Arrison? A. He said that.

"Q. Or Mr. Barr? A. He said that Mr. Barr asked him, Mr. Walsh, said that Barr asked Walsh to introduce Barr to A. M. Lawrence.

"Q. Yes. A. And that he, Walsh, would find out from Mr. A. M. Lawrence whether Mr. A. M. Lawrence would meet Barr and then Mr. A. M. Lawrence said to him, when Walsh made the request, 'Who is Barr?' and Mr. Walsh said that he told Mr. Lawrence that he was a representative of one of the voting machine companies that is looking for a contract in Chicago and that Mr. Lawrence said to him, 'I won't meet him, I don't want to meet any of these voting machine men.' "

2672 Witness does not know that Walsh was connected with the Examiner.

Walsh said that Arrison met Walsh at the Examiner's office and "This was in the old Examiner building at the corner of Franklin and Madison and that Arrison called there and got him to go from there to the Grand Pacific Hotel." Walsh did not say he had an appointment with Arrison.

"Q. Did he state that Mr. Arrison went direct from the train to the Examiner office to meet him? A. Well,

I think he admitted—I think he may have said so, I don't know."

Witness understood from some source that they, Walsh and Arrison, had an appointment.

In Ottumwa Mr. Walsh told witness he could not recollect anybody to whom he introduced Barr, except Stuart. Walsh said he was not to receive any money for the services to Barr.

2674 Walsh said Arrison, Gray and Pickler were to get \$1,500.

Walsh said that messengers had come to him from Mr. Czarnecki saying that if Czarnecki was looked after in a money way "the fight against Barr would be ended."

Witness did not inquire who the messengers were, what they asked for the time they came to see Mr. Walsh, or if any price was mentioned

2675 Witness had two conversations with Walsh upon this subject. At the second conversation Mr. Walker was present and Walsh made the same statement about Commissioner Czarnecki.

Mr. Walker did not ask the names of the go-betweens, or the times, or the places, or amounts of money, or "any question that would elicit a clue." The conversation occurred at Walsh's home.

2681 Witness understood that Arrison, Pickler and Gray were all going to testify.

Arrison did not testify to witness' knowledge. Witness did not advise any of them to testify or not to testify.

Mr. Walsh told witness he was ready to come at any time, either in Ottumwa or Chicago.

2682 "Q. Did you advise him to come? A. Certainly. I said we would agree we would have a carriage waiting outside the committee room at any time he was ready."

Witness does not know of any other reporter before the examiners who were present at Ottumwa at that time.

Mr. Roberts was not there. Mr. Griswold had not been there, to witness' knowledge. Mr. Hunter was there.

2683 Witness met Mr. Duke at his law office on August 9th.

2684 Hotelkeeper Klein took and introduced him to Duke as a reporter of the Chicago Examiner. Witness asked Duke about the paper furnished to the Legislative Committee by Representative Boyer of which witness then produced a copy and asked if Duke had given the paper to Boyer. Duke said he had.

2685 Witness then asked Duke about the statement made

in the paper and Duke refused to give him the information, but said that he got the statement from his clients, Arrison, Pickler, and Gray, and asked why the witness did not go and see them.

Witness said he had already seen them, that they had told him that after the matter had been settled and the money placed in the hands of Judge Moon, Duke had given the statement to Boyer and said that Duke ought to be disbarred.

Duke said he would not talk with him any more and that was all there was to the interview.

2687 Witness knows George Sapp. Witness did not see him in Ottumwa or about the hearing room here.

2689 Mr. Walsh told witness he had introduced Barr to Stuart in Chicago.

Witness did not talk with Gray about what services Walsh had rendered the Empire Company in Chicago, and Gray made no statement regarding it.

Walsh never mentioned Judge Moon's name in his conversation with witness.

2690 He did mention Arrison, Gray and Pickler, and said he would help witness find them.

2692 Gray told witness that the \$1,000 contract was made some time in May of this year.

2693 Witness, in the presence of Mr. Klein, asked Gray if they were coming to Chicago to testify that Gray said that was to be settled later. Arrison refused to say anything about testifying.

2695 In a conversation had with Gray, Gray said Governor Deneen had wired Arrison and Gray to meet him, Deneen, at Ottumwa; that they met Deneen there and told him that the \$1,500 matter had been settled for \$1,000, and that Deneen said he would take up the contract and urged them to come to Chicago to testify and that "if they would come across with this testimony like it was in the statement given by Duke to Boyer, that you would have enough to drive Andy Lawrence out of Chicago."

Witness did not ask for the telegram or make any inquiry regarding the message from Deneen to Arrison and Gray.

Witness told Mr. Walker about it but does not know that Mr. Walker made any inquiry regarding it.

2698 In making the statement in the Examiner office to Mr. Fred Lawrence and Mr. Walker about witness' visit to Ottumwa and Moon's statement about the deposits of

two sums of \$500 each in the National Bank of Republic, Mr. Lawrence did not ask witness to be specific about the bank.

2701 "Q. In your quotation of the alleged statement made to you by Judge Moon, you say 'Newton L. Arrison, John W. Gray have each and severally told me the same story, to the effect that H. W. Barr, agent for the Empire Voting Machine Company, told them in his room at the Hotel Ballingall, Ottumwa, one night in the winter of 1911-12 that it would cost a big sum to get the Chicago voting machine contract for the Empire Company.' Is that a correct statement? A. Yes.

"Q. The contract had been awarded to the company for at least six months? A. I don't know when it was awarded, it was awarded—

"Q. It was awarded in July, 1911, you say, Judge Moon told you, and made a statement to you that these men had told him in the winter of 1911 that it would cost him a big sum to get the Chicago voting machine contract, for the Empire Voting Machine Company. Did he make such a statement to that effect? A. Yes."

2704-5 Neither Mr. Walker nor witness discussed with Mr. Moon his statement that "Deneen, Butts, and other politicians had \$15,000 to spend to get the testimony of these men," or that "The Chicago Tribune was willing to come across with a few thousand dollars." Nor did they ask him for information which would enable them to trace the source of the story.

Witness understood the statement that "The Chicago Tribune was willing to come across with a few thousand dollars," simply meant that they were willing to pay for "the real facts of an investigation like this." Not that they would buy testimony and corrupt witnesses.

2708 Witness did not know from what source the money, which, according to Judge Moon's statement, was to be placed in the National Bank of the Republic, was to come.

2710 "Q. He (Judge Moon) repudiates it? A. He can't repudiate it; it is true."

"The Witness. I don't know whether he repudiates it or not.

"Q. Do you know his signature? A. No, sir, I don't know his signature.

"Q. Just read it and see. A. I don't know what that paper contains.

"Q. That is a paper which the chairman said he re-

ceived in his letter from Judge Moon. A. Why didn't he swear to it?"

2713 The statement made by Gray that Mr. Deneen said something about driving Andy Lawrence out of Chicago was made before Mr. Walker.

2714 And also in the Ballingall Hotel when Mr. Jayne was there, but maybe not within hearing distance.

2715 And also in Judge Moon's office.

2713-2723 Witness is asked about Gray's statement about Mr. Deneen and Butts depositing \$500 each and about Mr. Deneen's statement concerning driving Andy Lawrence out of Chicago. Witness did not understand Gray to mean that this could be done simply by telling what Barr had told him, Arrison and Pickler, concerning Barr's transactions with Lawrence and the alleged arrangement by which Lawrence was to receive \$105,000.

2723 Gray said Barr told him he had to pay a lot of money.

"The WITNESS. I asked him to tell me more about it, but he said, 'I am not telling any more.'"

VOLUME XXV.

Wednesday, , 1913.
Morning.

EDWARD E. MARRIOTT resumes the stand.

Further Direct Examination by Mr. Deneen.

2726 Arrison told witness in Ottumwa, "If you knew of the work down here in Ottumwa last week of George E. Brennan of the Roger Sullivan crowd, to get us to go up against Lawrence, you would go up in the air."

Witness made no inquiry of Arrison or anyone else to ascertain whether Brennan had in fact been in Ottumwa.

Walker, Gray, Pickler and Jacques were present when this statement was made in the Ballingall Hotel Monday afternoon, August 11th.

2728 The witness' affidavit was prepared on Tuesday, the day after the sub-committee was at Ottumwa in the Examiner office by witness and a stenographer. Witness had no other assistant. Witness did not consult with Mr. F. Lawrence about it, or with Mr. Walker, nor did he

communicate with Mr. A. M. Lawrence, or anybody else regarding it.

2729 Before it was made, the witness told Walker he was going to make it and went over its contents with him on the way from Ottumwa.

2729-34 The witness' affidavit was prepared Tuesday evening in the office of the Examiner and the witness handed a copy to Mr. Walker next morning on the way to and about five minutes before reaching the hearing room.

2734 "The stenographer, when he prepared a copy, made another copy, three copies."

The witness is asked:

"Q. You say nobody knew the contents of this affidavit except the stenographer and you? A. As far as I know there was lots of copies made.

"Q. And held over at the paper, I assume? A. Well, I left some copies there."

2736 Witness made memoranda of his conversations with various persons in Ottumwa; these he produces and hands to counsel. They are partly in longhand and partly in shorthand.

The memoranda were retained for future examination by counsel.

2771 The witness' affidavit was prepared at the request of the managing editor of the Examiner.

Witness did not ask Pickler, Arrison and Gray to come before this committee to testify but thought they were going to testify before the sub-committee in Iowa.

2773 Mr. Duke did appear before the committee, but was not asked to testify.

2774 Was not asked any questions about the witness' affidavit.

2779

Examination by Mr. Walker.

On the Sunday train going from Chicago witness told Walker about his various interviews with men in Ottumwa on Friday and Saturday.

Witness and Mr. Walker went to Walsh's house and Walker kept a carriage at the hotel. "Mr. Walsh not being able to walk on account of the condition of his feet, so that the committee could call him and he could be driven down to the hotel."

2782

Examination by Mr. Mitchell.

Witness always understood that the three men, Pickler, Arrison and Gray, were salesmen for the Empire Voting Machine Company.

2787 Witness made one expense account only for his two trips to Ottumwa when he left Sunday for Ottumwa he got his salary and about \$50 for expenses. The expense account was made to F. W. Lawrence.

2789 Witness has Mr. Gray's affidavit in his possession. It has not been submitted to the committee.

2792 (The witness is requested to hand the affidavit to Mr. Thomason for perusal. This is done and thereupon the affidavit is handed by Mr. Thomason to the Chairman of the Committee, and subsequently returned to the witness.)

2794 The witness' room at the Ballingall Hotel adjoined that of Mr. Walker.

The witness' affidavit was not prepared in his room at the Ballingall Hotel Monday afternoon and evening, August 11th.

Senator Landee calls attention to the fact that the witness' affidavit was not presented to the Committee by Mr. Walker until Thursday morning. The witness then states that in that case he prepared his affidavit on Wednesday, not Tuesday night and handed it to Mr. Walker Thursday, not Wednesday, morning.

2798 "Mr. DENEEN. Now, Mr. Witness, let us have the affidavit again, the affidavit of Mr. Gray."

(The affidavit was thereupon produced by the witness and marked "for identification #1, August 20, 1913, E. J. V.")

2799 The affidavit is dated Saturday, August 9th.

Subsequently to securing this affidavit the witness had conversations with Gray in Moon's office embodying the matters not included in the affidavit, but which are contained in the shorthand and longhand memoranda handed to Mr. Deneen by the witness.

2800 Witness did not ask Gray for this affidavit. Mr. Moon told the witness he would get affidavits from all three men and give him (witness) the Gray affidavit.

2801 The affidavit was handed to witness in Moon's office and the interlineations appearing in it, Gray said, were written in by him.

The witness wrote his name on the affidavit as a witness.

2802 F. W. Lawrence assigned the witness to go to Ottumwa in the presence of Mr. James C. Russell to "find out
2803 what I could from every person named in the affidavit, from every person who had anything to do with it." By "affidavit" the witness means the Duke statement.

Witness' instructions for his second trip to Ottumwa was to go to the hearing and continue his investigations.
2803 Witness received one or two telegrams and one telephone call from the Examiner while in Ottumwa on the first trip. On the second visit none at all.

Mr. Walsh did not say that he had received any communications from the Examiner prior to witness' arrival in Ottumwa.

2806 Witness demanded to be heard by the sub-committee in Ottumwa and if he had been heard he would have told them everything.

2808 Witness' expense account on the Ottumwa trip was, he thinks, \$112. He does not expect any bonus for making his affidavit.

Afternoon Session.

Wednesday, August 20, 1913.

E. A. KEPPLER:

Direct Examination by Mr. Deneen.

2810 Resides at Elgin, Illinois; a salesman for the International Voting Machine Company.

2811 Was in the employ of Mr. Petrie in 1911.

In the last part of July, 1911, witness took a photograph of a voting machine in the office of the Chicago Election Commissioners.

Witness is handed a number of photographs of which he says he can identify all.

The one marked "State's Exhibit 2 of August 15, 1913" shows a voting machine with the name-plate "The Empire Voting Machine Company, Rochester, New York."

2812 The object of taking the picture was to get the number of the machine but it does not show on the plate marked as an exhibit.

Witness examines another photograph bearing a name-plate "Jamestown, New York." This name-plate was on the little machine in the Commissioners' room.

Witness thinks a 9-party, 40-key machine.

2813 The machine marked "Exhibit 2" was a 9-party, 70-key machine.

Commissioner Czarnecki was in the doorway when witness took the picture of the machine in the room.

The number of the machine was taken by Miss Roxie Given who is now employed by the Chicago Dairy Produce Company.

Mr. L. R. Winslow of the Winslow Voting Machine Company and his stenographer also took the number.

At another time Miss Grace Watts, a public stenographer then in the Monadnock Block and now in England, took the number, and the stenographer whom Miss Given brought there also took the number

Witness has also a record of the number of the machine, but has not been able to find it, which was the same as the number as published in the Chicago Daily News of which witness has a clipping.

2815 The number of the large machine was under 4,000, and was smaller than the number of the small machine.

"The big machine was a lower number and the small machine was the newer machine you could tell the number was manufactured since the large machine was."

2816 Witness thinks the number of the large machine was 3592.

"Q. Have you ever refreshed your recollection as to the point you wanted to bring out? A. I wanted to see if this machine that was on exhibition was the same identical machine that had been exhibited to the old Board and had been turned down and that they had refused to buy the same 70-key, 9-party machine that the Empire Voting Machine Company had submitted to the city of Chicago then."

2816-7 "Q. How did you expect to identify that machine as the one rejected? A. Because I knew that they had built a number of machines later than this and delivered them to my home county, Pulaski County, Indiana, with the number of this machine compared along the same serial number as the smaller machine, now in the forties, some place, while this other old machine was back in the thirty-nine series.

"Q. Did you take the photograph to preserve the number of the machine and the plate? A. That is why I took it; I misspoke awhile ago, I said the number was

back in the thirty-nine series, I meant it away back, I think in the thirty-five series."

2819

Cross-Examination by Mr. McEwen.

2821 The machine the witness thinks was numbered 3592 did not have a party-lever, it had a party-key; it had spaces for irregular voting and was of the same color and size and the same design of keyboard as the Empire machine present in the room.

2822 The witness cannot recall whether the machine he photographed had a release-lever. When witness went in to find out about it he was politely ejected from the room.

2823 The witness examined the machine three different times, about ten minutes each time.

"Q. You say Mr. Czarnecki was there? A. That time, yes.

"Q. Did you ask him to permit you to spend all of the time necessary to look at the machine? A. I did.

"Q. What did he say about it? A. He said it would be all right here, that the machines were there for public inspection and I had a right, too, but the men that were in there would not let me."

2824 Witness has no information as to whether the Empire Company "used the United States Standard numbers to begin with and then kept right on numbering when they manufactured the Empire."

Witness naturally supposed that the Empire Company would have put on a name-plate with "Jamestown, New York," on it and a later serial number, had the larger machine been a new machine.

Witness does not know that the Empire Company used the name "Rochester" on their machine, but their office was located at Rochester.

2829 Witness took the photograph and number of the larger machine some time in the latter part of July, 1911, after the award of the contract was announced.

2833 When the witness went to inspect the Empire voting machine he was ejected from the room, he does not know by whom. "I think I would know the gentleman if I saw him, he was somebody who said his duty was to keep anybody else from going there and examining this machine."

The room was right back of where the Election Commissioners have their desks.

2834 The witness had permission of Election Commissioner Czarnecki to examine the voting machine and take a stenographer and her machine into the room, but the man in charge took the machine and carried it out and the witness and his stenographer went out.

2835 Mr. Hall visited the room one day and noticed "this machine had the Jamestown plate and the serial number was much lower than the 40-key machine or the newer machine.

"Mr. McEWEN. Just a minute before you leave, I would like to introduce now these two exhibits as marked, 'State's Exhibit 1 on August 15th, 1913, C. S. D.' and 'State's Exhibit 2 of August 15th, 1913, C. S. D.' Now I will ask to introduce the other ones, now that they have been identified as the pictures of the machine, it is identified here and its identity may become an issue, and if so I think all of the photographs are competent, these two bear directly upon it and the others disclose what kind of a machine it was they examined, its size, and the number of keys.

2836 "Rep. KASSERMAN. Have these other photographs been identified, Governor?

"Mr. DENEEN. By him only; you stated these photographs were photographs of that machine and were taken by you.

"A. Photographs of that machine taken by me at the same time, photographs of the two machines at that time in the Commissioners' room.

"Q. I understood that, I asked that, to identify the plate and number. We inquired about the two ladies that took the number off. They expected litigation at that time.

"The CHAIRMAN. Let them be marked.

"Mr. DENEEN. These additional negatives are marked as 'State's Exhibits 1 to 7 inclusive, August 20, 1913, C. S. D.' and the other two are marked 'State's Exhibits 1 and 2, respectively, August 15, 1913, C. S. D.' That is all I care to ask this witness." * * *

2839 "Mr. WHITTAKER (reading). 'Affidavit made by John W. Gray, former Chief of Police, Ottumwa, Iowa, August 9, 1913.

STATE OF IOWA, }
WAPELLO COUNTY. } ss.

I, John W. Gray, of Ottumwa, Iowa, being duly sworn, on oath, state:

That I became acquainted with H. W. Barr in Ottumwa, while he was here negotiating a sale for voting machines. I saw him a number of times and became well acquainted with him. On one occasion in company with Mr. N. L. Arrison and Mr. T. H. Pickler, I met Mr. Barr on the street in Ottumwa. We had some general conversation and Mr. Barr, in the course of the talk, made reference to the fact that he would like to make a sale of his machines to the City of Chicago. In the course of the talk he said that he should like to meet the Chicago officials who would have charge of such a matter. He said that if he could get a fair hearing with them and meet them under favorable circumstances he thought he could make the sale, and that he would like to get acquainted with somebody who would know them and preferably somebody connected with the Hearst papers because these papers were supporting the administration in Cook County and he believed that they would have an influence. Some one of the number, probably Mr. Pickler, said that a man resided here who was employed by the Hearst papers and who was a good friend of his, Pickler's, also Gray and Arrison, and that he, Pickler, believed that they
2840 could get Mr. Barr acquainted with the officials that he desired to meet in the manner he suggested. Charles A. Walsh of Ottumwa was the man to whom Mr. Pickler referred at the time. There was some further talk in which it was arranged that if Mr. Barr concluded that this plan was feasible he would ask one of our number to go to Chicago for the purpose indicated. It was the understanding at the time that if the sale should be made in pursuance of this arrangement, the three of us should receive compensation for services.

'I never knew anything about it further and never talked with Mr. Barr about it until some time after January, 1911. In January, 1911, Mr. Barr communicated with Mr. Arrison and it is my understanding that Mr. Arrison went to Chicago. I know nothing of what occurred there excepting what has been told me by Mr. Arrison, and as I understand it the City entered into a contract for the purchase of the machines and for that

reason we have claimed and the Company has agreed to pay us for the services rendered.

‘The above is all that I know about this deal. I never had any communication with Mr. A. M. Lawrence at any time. I have never in my life received a letter from him or written any letter to him. I have never talked with him over the telephone or in any other way nor has he communicated with me by telephone or telegraph or in any other manner. I never saw Mr. Lawrence in my life and have no idea as to his appearance or anything
2841 about, and have no idea or opinion with reference to the contract between the Empire Voting Machine Company and the City of Chicago except as I have stated in this affidavit.

(Signed) JOHN W. GRAY.

Subscribed and sworn to before me this 9th day of August, 1913.

(Signed) R. R. RAMSELL,

(Notarial Seal)

Notary Public.

Witness.

(Signed) EDWARD E. MARRIOTT.

MR. DENEEN. That may be marked ‘State’s Exhibit 8, August 20th, 1913.’

(Said document was marked ‘State’s Exhibit 8, August 20th, 1913, E. J. V.’)

MR. DENEEN. I would like to ask Mr. Whittaker to read the telegrams and letters sent by the Chairman to these gentlemen in Ottumwa, sent last Saturday, to get them in the record. I am doing this because I understand you will take a recess after tonight and get it ended up.

The CHAIRMAN. The telegrams and letters may be read in the record.

MR. WHITTAKER (Reading). The first is a telegram dated August 16, 1913, addressed to Merrill C. Gillmore,
2842 Ottumwa, Iowa. ‘The Illinois Legislative Investigating Committee urgently requests you to appear before it at the County Commissioners’ rooms in the Court House, Chicago, on Tuesday, August 19th, at nine thirty A. M., to testify regarding the affidavit submitted to the committee by Edward E. Marriott, and particularly those parts of the affidavit in which you are quoted as having made statements to him. Also as to any knowledge you may have in relation to the voting machine contract between the City of Chicago and the Empire Voting Machine Com-

pany. Your travelling and hotel expenses will be paid by the committee. Letter follows. Lucas I. Butts, Chairman.

The letter which is mentioned in the telegram is this letter: (Reading) 'August 16th, 1913. Mr. Merrill C. Gillmore, Ottumwa, Iowa. Dear Sir: I sent you today the following telegram:

The Illinois Legislative Investigating Committee urgently requests you to appear before it at the County Commissioners' rooms in the Court House, Chicago, on Tuesday, August 19th, at nine thirty A. M., to testify regarding the affidavit submitted to the Committee by Edward E. Marriott and particularly those parts of the affidavit in which you are quoted as having made statements to him. Also as to any knowledge you may have in relation to the voting machine contract between the City of Chicago and the Empire Voting Machine Company. Your traveling and hotel expenses will be paid by the Committee. Letter follows:'

2843 'I enclose herewith a copy of the affidavit submitted to the Legislative Investigating Committee by Edwin E. Marriott at its session in the afternoon of Thursday, the 14th inst. Mr. Marriott, in his affidavit, quotes statements alleged to have been made by yourself. These statements are of such a character that the Committee deems it due to themselves, to yourself and the persons mentioned in the affidavit that you appear before the Committee and testify regarding the same.

'The Committee has set the hearing of the matters involved in this affidavit for Tuesday next at nine thirty A. M., at the County Commissioners' rooms in the Court House, Chicago.

'The Committee will pay your traveling and hotel expenses and will arrange to have you testify on Tuesday so that the time occupied here may be as short as possible. May we hear from you on Monday next? Yours truly, Chairman.'

MR. MARRIOTT. May I make a remark here? That seems to be a letter to Mr. Gillmore stating that Mr. Marriott had stated that Mr. Gillmore made statements to him. I never said that I saw Mr. Gillmore.

MR. DENEEN If the Committee desires any response to the interruption by Mr. Marriott, his affidavit says that Moon stated to him that Barr had told the same story to Gillmore.

Mr. WALKER. He said that Moon said that Barr said the same thing to Gillmore that he said to Moon.

2844 Mr. DENEEN. That is why we wanted him to testify.

Mr. WALKER. But don't say that Marriott ever saw Gillmore.

Mr. WHITTAKER. The next is a telegram addressed to Hon. Edwin G. Moon, Ottumwa, Iowa; dated August 16, 1913. (Reading.)

'The Illinois Legislative Investigating Committee urgently requests you to appear before it at the County Commissioners' rooms in the Court House, Chicago, on Tuesday, August 19th, at nine thirty A. M., to testify regarding the affidavit submitted to the Committee by Edward E. Marriott and particularly those parts of the affidavit in which you are quoted as having made statements to him. Also as to any knowledge you may have in relation to the voting machine contract between the City of Chicago and the Empire Voting Machine Company. Your traveling and hotel expenses will be paid by the Committee. Letter follows. Lucas I. Butts, Chairman.'

The letter that followed is this: (Reading.)

'August 16th, 1913.

Hon. E. C. Moon,
Ottumwa, Iowa.

Dear Sir:

I sent you today the following telegram:

2845 'The Illinois Legislative Investigating Committee urgently requests you to appear before it at the County Commissioners' rooms in the Court House, Chicago, on Tuesday, August 19th, at nine thirty A. M., to testify regarding the affidavit submitted to the Committee by Edward E. Marriott and particularly those parts of the affidavit in which you are quoted as having made statements to him. Also as to any knowledge you may have in relation to the voting machine contract between the City of Chicago and the Empire Voting Machine Company. Your traveling and hotel expenses will be paid by the Committee. Letter follows.'

'I enclose herewith a copy of the affidavit submitted to the Legislative Investigating Committee by Edwin E. Marriott at its session in the afternoon of Thursday, the 14th, inst. Mr. Marriott, in his affidavit, quotes statements alleged to have been made by yourself. These

statements are of such a character that the Committee deems it due to themselves, to yourself and the persons mentioned in the affidavit that you appear before the Committee and testify regarding the same.

'The Committee has set the hearing of the matters involved in this affidavit for Tuesday next at nine thirty A. M., at the County Commissioners' room in the Court House, Chicago.

'The Committee will pay your traveling and hotel expenses and will arrange to have you testify on Tuesday so that the time occupied here may be as short as possible.

'May I add that in view of the fact that you have held several official positions yourself, I am sure you will appreciate our duty as a committee to elicit all facts 2846 which we are investigating and especially to examine carefully into charges of the character made in the affidavit and that you will co-operate with us by coming before the Committee and making a full statement regarding the matters mentioned in the affidavit and any other matters which it may be necessary to submit to the Committee. May we hear from you on Monday next? Yours truly, Chairman.'

Mr. DENEEN. Was the letter from Judge Moon in response to that admitted in evidence. The statement by him was admitted, but is the letter in evidence?

The CHAIRMAN. Yes.

Mr. WALKER. I don't know whether it was put in evidence or not.

The CHAIRMAN. I have it here marked as an exhibit.

Mr. DENEEN. Mark it 'State's Exhibit 9, August 20th, 1913.' Better introduce it now. State this was read into the record yesterday by the Chairman and also the statement by Judge Moon; that has been read in the record twice, but I think it should be marked; it is marked here 'Keeley Exhibit 1, 8/19/13'; that is in the record.

(Mr. Moon's letter of August 16, 1913, was marked 'State's Exhibit 9, 8/20/13, E. J. V.'; and the statement was marked 'State's Exhibit 10, 8/20/13, E. J. V.')

Mr. DENEEN. Now, the others are four telegrams; no letters.

The CHAIRMAN. Are they all in the same form?

Mr. WHITTAKER. All in the same form, to Mr. Duke, 2487 Mr. Gray, Mr. Arrison and Mr. Pickler. This is the form of the telegram: (Reading.) 'The Illinois Legislative Investigating Committee urgently requests you to

appear before it August 19th, at nine thirty A. M., to testify regarding the affidavit submitted to it by Edward E. Marriott and also any knowledge you may have in relation to the voting machine contract made between the City of Chicago and the Empire Voting Machine Company. Wire answer. Lucas I. Butts, Chairman.'

Mr. DENEEN. I ask that those be introduced as State's Exhibits, to be marked consecutively. Those that have not already been marked.

(Said documents were marked as follows:)

Copy of letter to Merrill C. Gillmore, Aug. 16, 1913, was marked 'State's Exhibit 11, 8/20/13, E. J. V.'

Copy of letter to Hon. E. G. Moon, Aug. 16, 1913, was marked 'State's Exhibit 12, 8/20/13, E. J. V.'

Copy of telegram to Merrill C. Gillmore, Aug. 16, 1913, was marked 'State's Exhibit 13, 8/20/13, E. J. V.'

Copy of telegram to Hon. Edwin G. Moon, Aug. 16, 1913, was marked 'State's Exhibit 14, 8/20/13, E. J. V.'

Copy of telegram to L. L. Duke, Aug. 16, 1913, was marked 'State's Exhibit 15, 8/20/13, E. J. V.'

Copy of telegram to John W. Gray, Aug. 16, 1913, was marked 'State's Exhibit 16, 8/20/13, E. J. V.'

Copy of telegram to Newton L. Arrison, Aug. 16, 1913, was marked 'State's Exhibit 17, 8/20/13, E. J. V.'

Copy of telegram to Thomas H. Pickler, Aug. 16, 1913, was marked 'State's Exhibit 18, 8/20/13, E. J. V.'

2856 (Letter addressed by Mr. Thomas H. Pickler to Governor Deneen is here introduced in evidence, and read as follows:)

"MR. C. S. DENEEN,
Chicago, Ill.

My Dear Sir: I note the Chicago papers quote Gray and Arrison as saying that you or Mr. Butts, or both of you, are supposed to have offered us two thousand dollars if we would go there and testify. I simply desire to say that so far as I am concerned you never intimated anything regarding paying us any money only for the contract and the telephone expense. Of course, if you intimated anything of the kind to them I don't know it. Your dealings with me has been that of gentleman, all
2857 the way through. It seems from the proceedings at Ottumwa, Gray, Arrison and myself is creating some excitement and notoriety. Should you be out this way do not fail to call. Kind regards to Mr. Butts.

“This is not intended for publication unless you should want a statement on the matter,

“Respectfully,

“T. H. PICKLER.”

Letter dated August 15, 1913, Sioux City, Iowa.

“Mr. DENEEN. That should be marked. Mark it the next number, State’s Exhibit.”

(Said letter was marked “State’s Exhibit 19, 8/20/13, E. J. V.”)

2860 The Chairman then reads the following statement into the record.

“The statements in the affidavit filed with the Committee by Edward E. Marriott are false in so far as they relate to Mr. Deneen and myself. The facts are, when it was learned that a written contract between the Empire Voting Machine Company and Messrs. Thomas H. Pickler, Newton L. Arrison and John W. Gray had been executed for \$1,000, it was determined that Mr. Deneen and myself should interview the witnesses and ascertain whether or not they would be willing to assign the written contract to the Investigating Committee for face value. I deemed it wise that the Investigating Committee purchase this contract in behalf of the State of Illi-

2861 nois so that suit might be instituted on it and in that way an opportunity secured to take depositions in other states in reference to the subject matter of the contract.

“Mr. Pickler favored an assignment of the contract. Messrs. Arrison and Gray desired to consult together and communicate with Mr. Pickler before giving their decision. Later, Mr. Pickler stated over the long distance telephone that the money had been paid and the contract was taken up at Ottawa. Our negotiations, therefore, terminated necessarily.

“These are all the facts. No money was put in any national bank and no money was offered to witnesses save their expenses and the face value of the contract.”

2863 Witness Marriott agrees that the Chairman of the Committee may retain in his custody the memoranda handed by the witness to Mr. Deneen.

2869 The introduction of the minutes of the Board of Election Commissioners relating to voting machine matter was here deferred until they could be verified by Mr. Czarnecki.

2871-6 “The CHAIRMAN. Mr. Czarnecki, a member of the Election Commission of the City of Chicago will read

the record on the referendum vote adopting the votes, by wards.

“Mr. CZARNECKI. I read from the record of a specimen ballot of the election of November 8, 1904. The specimen ballot of the ‘small ballot,’ so called. The following was the question (it was the third question on that ballot at that election): ‘the proposed adoption of voting machines.’ ‘For adoption of voting machines as provided by an Act to Provide for the Use of Voting Machines at Elections, for casting, registering, recording and counting ballots, or votes, also creating a Board of Voting Machine Commissioners and defining its duties, approved May 14, 1903, in force July 1, 1903.’ ‘Yes, on the proposition, 229,577; no on the proposition, 27,081.’ That was the memorandum in the specimen ballot record, the record itself.

“Mr. MITCHELL. I would like to have that inserted in the record ward by ward, showing that each ward is carried by a ratio of eight or ten to one.

“The CHAIRMAN. The Commissioner will please read the wards for and against.

“Mr. CZARNECKI. Yes.

“Mr. MITCHELL. In Mr. Deneen’s own ward it carried by about 11 to 1.

“Mr. DENEEN. I believe you said more frauds were committed in that ward than in any other ward in the city. I do not believe it, but I think you are mistaken, it has occurred while I was away.

“Mr. McEWEN. That was the reason for the public sentiment for voting machines.

“Mr. DENEEN. No, I think you will find our ward a very good ward, no doubt.

“Mr. McEWEN. It has been good for about eight years.

“Mr. DENEEN. Well, I think it will continue being good.

“Mr. CZARNECKI. For the proposition just read (reading): ‘In the 1st ward, 4,335; against the proposition in that ward, 621; 2d ward, for the proposition, 6,203; against the proposition, 672; 3d ward, for the proposition, 6,940; against the proposition, 627; 4th ward, for the proposition, 4,976; against it, 764; 5th ward, for the proposition, 4,460; against the proposition, 763; 6th ward, for the proposition 11,317; against, 830; 7th, for the proposition, 12,323; against, 979; 8th ward, for the proposition, 4,403; against the proposition, 768; 9th ward, for the proposition, 4,414; against the proposition, 451; 10th ward, for the proposition, 3,900; against the proposition, 644; 11th ward, for

the proposition, 4,621; against, 741; 12th ward, for the proposition, 6,655; against the proposition, 1,002; 13th ward, for the proposition, 8,678; against, 760; 14th ward, for the proposition, 7,146; against, 813; 15th ward, for the proposition, 6,539; against, 794; 17th ward, for the proposition, 5,119; against, 761; 18th ward, for the proposition, 4,792; against, 648; 19th ward, for the proposition, 4,662; against, 796; 20th ward, for the proposition, 9,132; against, 841; 21st ward for the proposition, 8,487; against, 884; 22d ward, for the proposition, 4,938; against, 755; 23d ward, for the proposition, 6,165; against, 864; 24th ward, for the proposition 5,462; against, 898; 25th ward, for the proposition, 12,232; against, 1,020; 26th ward, for the proposition, 7,495; against, 869; 27th ward, for the proposition, 8,245; against, 907; 28th ward, for the proposition, 7,369; against, 790; 29th ward, for the proposition, 4,077; against, 702; 30th ward, for the proposition, 6,098; against, 638; 31st ward, for the proposition, 8,262; against, 832; 32d ward, for the proposition, 8,383; against, 850; 33d ward, for the proposition, 6,151; against, 828; 34th ward, for the proposition, 5,527; against, 596; 35th ward, for the proposition, 5,726; against, 567.

“ ‘In the three preeincts of the town of Cicero, under the jurisdiction of the Election Board, 509 for the proposition, 91 against the proposition. The total of the above is 229,577 for the proposition, 27,081 against the proposition.’ ”

VOLUME XXVI.

Afternoon Session.
Tuesday, April 21, 1914.

R. D. BEMISS:

Direct Examination by Mr. Deneen.

- 2881 Resides at 4162 Clarendon avenue, Chicago. Was formerly salesman for the U. S. Standard Voting Machine Company and for the Empire Voting Machine Company when organized and during its existence.
- 2882 Represented the Empire Company in Indiana, Iowa, Massachusetts and New Hampshire.

The witness' compensation as salesman for the U. S.

Standard and for the Empire Company was \$50 per week and expenses.

2883 Witness knew Carl Lomb, president; Lausterer and Samuel C. Hamilton, managers of the Empire Company.

Payment for extra services of men assisting salesmen in the sale of voting machines was formerly made through the salesman on bills rendered to the company by the salesmen, "for assistance, so much," "that is all."

2884 This method was changed afterward and the money paid by the company for the sale of voting machines, in addition to salary and expense account, was paid to the salesman in the form of a lump sum, called "commission" for each machine sold.

2885 Payment for outsiders for assistance in forming acquaintance and introducing agents to public officials was now paid out of the \$135 and not by the company direct as formerly. The \$135 was a commission in addition to the salary and expense account.

Whatever the agent could save out of the \$135 belonged to him and no statement was ever made by the agent to the company how the \$135 or any part of it was spent.

2886 When the method was changed, Mr. Lausterer or Mr. Hamilton, or both, "thought it was better to have a stipulated sum paid each agent and that ended the whole transaction," and nothing would appear on the books of the company except the fact that the agent had made the sale, his salary and expense account, and then, in addition to these items, the \$135 per machine.

The agent made such arrangements as he cared to make with local persons for influence and assistance.

2887 Witness knew Harry W. Barr, agent for the Empire Voting Machine Company.

Mr. Barr talked with witness about the commissions for machines the agents received for sales and said that he got the same.

2889 The witness went to Boston in 1912 on voting machine business and after his return talked with Barr in Chicago about commissions, stating that \$135 per machine was not enough for Boston and Barr said he did not think it was enough for Chicago.

Mr. Barr talked to witness about selling machines to Chicago in addition to the 1,000 sold by him.

2890 At one time Barr was manager for the Universal Voting Machine Company and witness then worked under Barr and sold some Universal machines at Ottumwa, Iowa.

Witness understood that Barr afterwards tried to sell Empire machines to Wapello County in which Ottumwa is.

2891 Witness knows Ottumwa residents, Thomas Pickler, who was mayor when witness sold the Universal Voting Machines, Newton Arrison, who was city clerk, and John Gray, who was chief of police.

2892 Witness went to New Hampshire for the Empire Voting Machine Company to secure the defeat of voting machine legislation supported by the American Voting Machine Company of Boston, "which would eliminate or cut out every other voting machine." Witness stayed there until he "had them cut out."

2893 Witness never saw the books of the company and does not know what appeared on the books concerning money paid to people other than regular agents of the company. In reporting such payments to the company the witness would say "assistance in landing the order, so much," and would not give the names of the men with whom the money was paid. Such payments were never itemized and the company never required or requested that they be itemized.

Cross-Examination by Mr. McEwen.

2895 Witness never did any work for the Empire Voting Machine Company in Chicago.

Direct Examination Resumed by Mr. Deneen.

Witness has met Mr. William H. Stuart, chief clerk of the Election Commissioners of Chicago when in Chicago two or three days demonstrating the voting machine when the sale was on.

Witness may have made the remark to Stuart during the legislative voting machine investigation that "I did not want to be called into this thing at all and that I had better get out of the city," and Mr. Stuart said, "They could not do anything to you if you get out of the city."

Cross-Examination Resumed by Mr. McEwen.

2896 "Q. Then what do you mean by 'Assistance in landing orders,' in a general way? A. Well, there is so many dif-

ferent ways, that you could hardly figure that out. Very often you will find a man who has considerable influence with the board and a man whose opinion is looked on with respect and regard, and if you get that man to assist you in any way and take up his time he naturally expects to be compensated for it, wouldn't he?"

If a lawyer was employed by the agent his fee would be taken out of the agent's commission of \$135.

2897 *Re-direct Examination by Mr. Deneen.*

The same was true if the agent employed anybody else.

"Q. Did you limit your employment to attorneys? A. Well, we called them attorneys."

They were not always attorneys in law. "Very often a political boss was not an attorney."

2899 JAMES HAMLIN:

Direct Examination by Mr. Deneen.

Resides 2414 Wentworth avenue. Is a voter in the 20th precinct of the 1st ward and voted on the voting machine for Cunnea for State's Attorney at the election of 1912.

Cross-Examination by Mr. McEwen.

2900 Witness voted a straight Socialist ticket. Witness pulled down the little lever at the word "Socialist," then went out and supposed the machine registered his vote. "I tried to vote a straight Socialist ticket."

B. F. GRAHAM:

Direct Examination by Mr. Deneen.

2902 Resides at 46 West 18th street. In the last presidential election he voted in the 20th precinct of the 1st ward on the voting machine for Cunnea.

Cross-Examination by Mr. McEwen.

2903 Witness voted a split ticket and thinks he pulled down the lever above the name Cunnea over the name. Voted

for two men, Edward F. Dunne and Cunnea. He then opened the booth and walked out.

2905 *Re-direct Examination by Mr. Deneen.*

When the witness went in he pulled the lever that closed the booth and when he went out he pulled the lever and walked out.

LINCOLN WEAVER:

2906 *Direct Examination by Mr. Deneen.*

Witness resides at 29 West 17th street. In the presidential election of 1912 he voted in the 20th precinct of the 1st ward on the voting machine, a straight Republican ticket.

Cross-Examination by Mr. McEwen.

2907 Witness voted by pulling down the key and pulling the big lever over.

PERRY LILLARD:

Direct Examination by Mr. Deneen.

2909 Witness resides at 28 West 18th street. Voted at the presidential election of 1912 in the 20th precinct of the 1st ward on voting machine, a straight Republican ticket.

Cross-Examination by Mr. McEwen.

Witness pulled down the little lever for President and one for Governor and then pulled the lever around.

Re-direct Examination by Mr. Deneen.

Witness intended to vote a straight Republican ticket.

WILLIAM ANDERSON :

Direct Examination by Mr. Deneen.

2911 Resides at 1714 Dearborn street. At the presidential election witness voted in the 20th precinct of the 1st ward on the voting machine for Rinaker as State's Attorney.

Cross-Examination by Mr. McEwen.

Witness had received instructions at the City Hall how to vote on the voting machine.

ALBERT PIERCE :

Direct Examination by Mr. Deneen.

2917 Resides at 33 West 17th street. At the presidential election witness voted in the 20th precinct of the 1st ward on the voting machine, a straight Republican ticket.

Cross-Examination by Mr. McEwen.

Witness had visited the City Hall before election where they were demonstrating voting machines.

Witness voted by pulling down the pointer for the names he wanted to vote for. He pulled back the lever and the curtains opened.

WILLIAM J. HAMLIN :

Direct Examination by Mr. Deneen.

2922 Resides at 2114 Wentworth avenue. At the presidential election witness voted in the 20th precinct of the 1st ward on the voting machine, a straight Socialist ticket.

Cross-Examination by Mr. McEwen.

2923 Witness pulled the lever for the straight Socialist ticket, then pulled the big lever and walked out.

JACOB GILBERT:

Direct Examination by Mr. Deneen.

2924 Resides at 28 West 18th street. Voted the Republican ticket on the voting machine in the 20th precinct of the 1st ward in the presidential election.

Witness is blind and was helped to vote by the judges of election, whom he told how he wanted to vote.

Cross-Examination by Mr. McEwen.

Witness did not touch the machine, just stood at the machine and the man sent by the judges cast the vote.

A. S. FORD:

Direct Examination by Mr. Deneen.

Resides at 22 West 18th street. At the presidential election of 1912, in the 20th precinct of the 1st ward the witness voted a Progressive ticket on the voting machine. Mr. Haight was Progressive candidate for State's Attorney.

Cross-Examination by Mr. McEwen.

Had voted on the machine at the previous spring election.

2930 A gentleman from the Election Commissioners' office was in the polling place and told witness how to vote.

Witness intended to vote the straight Progressive ticket and pulled the lever across the top only to vote the straight Progressive ticket. The curtains were not closed while he cast his vote on the machine.

Witness did not pull down any small lever. A representative from the Election Commissioners' office saw witness vote.

E. H. FORD:

Direct Examination by Mr. Deneen.

2934 Resides at 22 West 18th street. At the presidential election he voted in the 20th precinct of the 1st ward on the voting machine, for the straight Progressive ticket.

2935 *Cross-Examination by Mr. McEwen.*

Witness had been shown how to vote on the machine at the preceding spring election.

THEODORE THOMAS:

Direct Examination by Mr. Deneen.

2938 Resides at 26 West 18th street. At the presidential election he voted in the 20th precinct of the 1st ward on the voting machine, a straight Republican ticket.

Cross-Examination by Mr. McEwen.

The witness is doorman at the Sherman Hotel. Somebody went into the booth with witness and showed him how to vote. Witness voted by pulling the party-key and pulling the big lever all the way around.

Re-direct Examination by Mr. Deneen.

2943 A man was in the polling place with witness when witness voted.

JOHN HILDMAN:

Direct Examination by Mr. Deneen.

2944 Resides at 54 West 18th street. At the presidential election of 1912 witness voted in the 20th precinct of the 1st ward on the voting machine for the Democratic ticket except State's Attorney, witness voting for Rinaker.

Cross-Examination by Mr. McEwen.

2945 A gentleman at the polling place gave witness instructions how to vote and then witness voted. Witness pulled down the Rinaker lever first and then the individual lever on the Democratic party. Voted for all the candidates, for each one.

LEO LASKY:

Direct Examination by Mr. Deneen.

2947 Witness resides at 42 West 18th street. At the presidential election of 1912 he voted in the 20th precinct of the 1st ward on the voting machine the straight Republican ticket.

Cross-Examination by Mr. McEwen.

2948 The witness told one of the men working in the polling place that he wanted to vote the straight Republican ticket and this man did the voting for him. The witness could not read or write good enough.

2949 Both were inside of the machine and the curtain was open when the witness was voting.

2950 The man who taught the witness was a judge of election.

2952 A letter from Mr. Andrew Lawrence addressed to the Butts Committee is hereby presented to the committee by Mr. Keehn and read by the chairman of the committee as follows:

“Chicago Examiner,
The Paper of the Home.

Office of the
President.

CHICAGO, April 21, 1914.

*Butts Committee,
Illinois Legislature,
Chicago, Illinois.*

GENTLEMEN:

2953 Before leaving on my vacation last summer, I sent my legal representative to your Committee to advise you that I was leaving on August 4th for California where I expected to remain until October 1st. He advised your Committee of my willingness to remain in Chicago to testify at the convenience of your Committee if your Committee felt at that time that my testimony would be desired.

I am informed that the records of your investigation show that Mr. Keehn was advised by the Chairman of your Committee that the Committee knew of no reason at that time why my presence would be required. Consequently, I left for California where I remained until September 27th. The Committee has full knowledge of what transpired in

the meantime and of the base insinuations that were placed on those occurrences by certain partisan newspapers.

After I was advised by telegraph of what had taken place, I immediately prepared an affidavit which was sworn before Judge Cabaniss of the Superior Court at San Francisco. I forwarded it at once to your Committee. I
2954 am now informed that this document reached your Committee after it had adjourned. I would respectfully request that this affidavit be made a part of the records of your investigation.

I want to express my willingness to appear before your Committee at the convenience of the Committee and subject myself to any inquiry your Committee may feel disposed to make. If I can in any way do anything that will lessen the burdens of your labors and assist in completing your investigation, I cheerfully hold myself in readiness to appear at your call.

Respectfully yours,
(Signed) A. M. LAWRENCE."

GEORGE T. S. BROWN :

Direct Examination by Mr. Deneen.

2955 Witness resides at 1705 Dearborn street. At the presidential election of 1912 he voted in the 20th precinct of the 1st ward on the voting machine the straight Republican ticket.

Cross-Examination by Mr. McEwen.

2956 Witness is janitor at the County Hospital. He pulled down the lever in the Republican column and voted the straight ticket. Pulled the big lever and walked out. In voting, the witness followed a specimen ballot.

CHARLES BERGSTROM :

Direct Examination by Mr. Deneen.

2959 Witness resides at 1706 South State street. At the presidential election of 1912 he voted on the voting machine a split ticket. He voted for Cunnea for State's Attorney.

Cross-Examination by Mr. McEwen.

- 2960 The witness voted for Dunne, Cunnea and the President. Witness pulled down the keys but didn't pull the big lever.

2963. *Re-direct Examination by Mr. Deneen.*

Witness does not remember pulling the big lever. He pushed the curtains aside on going in. The curtains were closed when witness went into the machine.

Witness intended to vote for Cunnea for State's Attorney and thinks he did according to the instructions given him by a man in the polling place.

JOHN WILLIAMS:

Direct Examination by Mr. Deneen.

- 2966 Witness resides at 33 West 17th street. At the presidential election he voted in the 20th precinct of the 1st ward the straight Republican ticket.

Cross-Examination by Mr. McEwen.

- 2967 Witness voted on the machine. He voted for Taft and Rinaker. He pulled the lever on top back and pulled the keys for the men he voted for.

Witness read the names of his candidates before voting. He pulled three keys: Deneen, Taft and Rinaker.

Witness does not remember whether he pushed the keys back after pulling them down. Witness knows he pulled the keys down.

- 2970 Witness saw a man put the machine up and the machine was in the polling place a long time.

JOHN BRANLETT:

Direct Examination by Mr. Deneen.

- 2971 Witness resides at 604 Ada street. At the presidential election of 1912 witness voted in the 20th precinct of the 1st ward on the machine, a straight Republican ticket.

2972 *Cross-Examination by Mr. McEwen.*

Witness never voted on a machine before and Eddie Williams instructed witness how to vote. Williams did the voting. Witness asked for assistance.

2974 JAMES LA GRAZA :

Direct Examination by Mr. Deneen.

Resides at 1728 Wabash avenue. At the presidential election he voted in the 20th precinct of the 1st ward on the machine, a straight Republican ticket.

2975 *Cross-Examination by Mr. McEwen.*

The people in the polling place showed him how to vote and witness thought he voted the Republican ticket.

JAMES DUNCAN :

Direct Examination by Mr. Deneen.

2976 Resides at 1619 Federal street. At the presidential election the witness voted in the 20th precinct of the 1st ward on the machine. He voted a split ticket for Roosevelt and Martin B. Madden. He did not vote for State's Attorney.

VOLUME XXVII.

Morning Session,
Wednesday, April 22, 1914.

H. B. MEINHART :

Direct Examination by Mr. Deneen.

2981 Resides at 2141 Archer avenue. At the presidential election, 1912, witness voted in the 24th precinct of the 1st ward, but does not know whether he voted on the machine or the paper ballot. Witness remembers that it was when Rinaker, Cunnea and Hoyne ran for State's Attorney, he voted on the machine. He thinks he voted for Rinaker for State's Attorney.

2983

Cross-Examination by Mr. McEwen.

Witness has not a clear recollection about voting.

2984 Mr. Deneen here states that he expects to call ten witnesses to testify that they voted on the machine in the 24th precinct of the 1st ward and that the machine only showed seven votes cast on the machine, but not having all the witnesses at hand he suggests that the testimony of the ten witnesses before the grand jury be admitted.

This matter, however, is allowed to pass for the time being.

ANTHONY CZARNECKI, previously sworn, resumes stand:

Direct Examination by Mr. Deneen.

2986 The witness identifies the minutes of the Board of Election Commissioners, regarding the purchase of voting machines, which are then introduced in evidence.

The witness is handed a tally containing the recount of the ballots in the 1912 election in the contest of Cunnea versus Hoyne. First ward, second precinct.

2987 This tally-sheet was made during the recount of the State's Attorney's vote under Judge Baldwin and made at the storage warehouse where the voting machines were stored.

The Election Commissioners' office furnished the clerical assistance and the recount was made in the presence of Judge Baldwin part of the time and part of the time in the presence of all the Election Commissioners and part of the time in the presence of two of them. The reading of the figures was done by the witness.

Mr. Hoff, custodian of the machines, and Mr. Stuart, clerk of the Election Commissioners, were there nearly all the time, and this applies as to all the tally-sheets before the witness of the ten wards in which the voting machines were used.

Representatives of the contestants were also present and watched the reading of the figures by witness and kept a tally of their own.

2989 No question has ever been raised as to the accuracy of these figures.

Judge Baldwin has the official set of tally-sheets; the tally-sheets show the number on the key for State's At-

torney, the machine number, the protective counter and the public counter.

2990 Also the seal number.

The record of the protective counter was probably taken from the record in possession of Mr. Hoff. The seal numbers were taken from the machines themselves on the voting lever and were read directly from the seal on the machines in the warehouse.

2991 Witness refers to tally-sheets for the 35th precinct of the 1st ward. Seal number 5924, resealed, 372. Resealing might not mean that the original seal was open when found at the recount, but that its condition was such that resealing was deemed necessary. What witness says applies to the condition of the seal on February 10, 1913, when the recount of this precinct was taken. The resealing was done at the contest and in the presence of all parties.

2993 The tally-sheets produced by the witness are here offered in evidence.

"Mr. McEWEN. The seals referred to were the seals on the curtain-lever. The curtain-lever has a lock on it; none of these locks was out of order and none was open.

HARRY E. HOFF:

Direct Examination by Mr. Deneen.

2996 Resides at 2712 Fullerton avenue. Witness has been clerk in the Election Commissioners' office for the last three years. He has charge of the voting machines at the Pugh Terminal Warehouse.

2997 The record of "protective counter" was taken from the machines as they were sent out to the precinct.

The witness had no means of knowing the protective counter record after, as the machines are locked up in the box and never touched until the recount.

2998 No record of the recount was kept by the witness or for his use.

The witness had nothing to do with changing the seals while they were in his custody between the date of the election and the recount.

2999 The judges and clerks of election were supposed to put the seals on the machines found on them at the recount.

No seals were placed on the machines after they were returned to the custody of the witness.

3001 About 200 machines were used before the election for exhibition purposes.

Before the election men were sent out by the Election Commissioners to reset these machines and to make a record after all the counters had been turned back to zero. This resetting of the machines was made in the precincts.

Machines were used for exhibition purposes. Some of these machines were brought back to the warehouse before they were sent out for use in election precincts. If a machine was to be used in a nearby precinct, sometimes it was not returned to the warehouse, but removed directly to the precinct after the protective counter record had been taken off by an employee of the Election Commissioners' office and the report made and record kept

3002 of it in a book at the warehouse.

No one representing the Election Commissioners' office or candidates was present at the resetting of voting machines in these precincts except the man who reset them. He went from polling place to polling place to do the work.

3003 "Q. Were all the machines used in the ten wards in the election of November 5, 1912, taken from the storage warehouse? A. Yes, sir.

"Q. All of them? A. Yes, sir.

"Q. I will ask you, for the purpose of refreshing your recollection, what about 150 of them taken from the basement of the City Hall? A. Well, I think at that particular election we had 150 of them in the basement of the City Hall."

3004 The witness had custody of the machines at both places and had 33 men under him to handle 500 machines. Wit-

3005 ness does not know how these men were appointed or what were their politics.

3006 The men who reset the machines in the precinct where they had been used for exhibition purposes put a seal on them and locked them. A record of this seal was kept at the warehouse.

The keys were returned by this man to the City Hall to be given out to the judges and clerks of election when they came for their supplies.

The warehouse was designated by the Election Commissioners as the place for storing machines and witness does not know why the machines were stored in the City Hall basement; witness thinks, to save expense, and be-

3007 lieves that the idea of storing some machines in the

County Building to save expense was entertained by the Election Commissioners.

After election all machines were returned to the warehouse.

Cross-Examination by Mr. McEwen.

Witness is a mechanic with shop and factory training. He has always been in custody of machines since connected with the Election Commissioners' office. Witness is a Republican.

Witness was in charge of the grouping of voting machines for each election and this was done after witness had received from the Election Commissioners a certified copy of the official ballot showing who were to be the candidates of the various bodies.

3009 From the official ballot an assembler's card was prepared by the witness, proof-read several times, and furnished to the men who did the actual work of assembling the machines for the election. The assembler then fills out his assembler's card, which is then marked with the ward and precinct and sent to the office.

3010 The machine is then examined by another man known as an "examiner," who fills and makes a report of the result of his examination on another blank, which is proof-read against the assembler's card.

The assembler has all the keys to the voting machine, and upon finishing his work locks the lock "O," locking all the little wheels and counters in the counter compartment.

The examiner has the same keys except the one to lock "O."

3011 An entry is made in a record-book at the warehouse, giving the name of the assembler and examiner, the number of the machine, the protective counter and the seal number as the machine is before it goes to the polling place.

After the examination of the machine is completed by the examiner, he locks it, puts on a seal of whose number he makes a record, and turns it over to the packers.

3012 The seal so placed on the machine by the examiner, and recorded, is fastened around what they call the curtain-lever.

The voting machine has a lock, No. 1, a padlock, which locks the handle of the curtain-lever.

- 3013 The machine has five locks in all. Three keys go to the judges and clerks of election, namely, the keys to lock No. 1, the voting or curtain-lever lock; lock No. 2, also locking the curtain-lever and entrance knob, and lock No. 3, the key to the counter compartment.

The other two keys are put away in the vault in the City Hall.

All the keys leave the possession of the custodian after the machines are locked and sealed, that is, as soon as the examiner gets through.

- 3014 In case error appears between the assembler and the examiner, the machine is examined and the error corrected.

The keys sent to the judges and clerks of election are sent in an envelope along with their supplies, on which envelope is marked the protective counter number.

The judges are cautioned to see that this number corresponds with that actually on the machine before they open it.

- 3016 The evening before election the judges are instructed to open the supplies, examine the machine and compare the ballot on the machine with the sample furnished them by the Election Commissioners.

The morning of the election they are instructed to open the back of the machine and see that all counters are standing at three zeroes and the public counter at three zeroes, of which they make a record on certificate number 3.

They also make a record of the protective counter, of the candidate counters and the public counter.

- 3017 At the close of election they are instructed to make a record of the public counter, the protective counter and candidate counters, lock the machine and return the keys to the Election Commissioners.

- 3018 The machines are then returned to the warehouse as fast as possible, the aim being to have them in the warehouse by midnight the night of the election, and the police officer at the polling place is instructed to remain there until the machine is taken away.

This is not always done and sometimes the machines are not all in by midnight, but a record is kept of the returning of the machine.

- 3019 This record shows the number of the machine, the ward and precinct number, the name of the driver, the time and the name of the man who received it.

The judges are also instructed at the close of the election to place a seal furnished them by, and numbered and embossed with the Election Commissioners' initials on the voting machine, locking the curtain-lever, and to make a record of the seal and number.

Witness has never seen the records of such seals and numbers made by the Election Commissioners.

3020 When the machine is returned to the warehouse it has two different locks on it and the seals.

The machines sent from the City Hall were returned to the warehouse. Witness does not know why this was done except that nobody spoke or thought about returning them to the City Hall.

3021 At the City Hall, some trouble was had with the janitor about the voting machines during the time they were being prepared for and sent out to the election precincts. This may have been another reason.

3023 Machines are taken out of the cases and set up by three men employed at the warehouse. Thirty-nine machines have been taken out by them in 30 minutes.

The assembler can set a machine for an election like that of 1912 in 7 minutes. Ten minutes is allowed him.

The examiner examined a machine in 5 minutes.

3024 Three men will set up a machine in a polling place in less than two minutes. The machines are transported for \$3 the round trip.

The machine cannot be jarred out of order. Tests of this have been made by dropping the machine from the back of a piano wagon two feet to the ground.

3025 No vote is recorded on the machine if the voting lever is pulled down and put back, or is not pulled down, or if it cannot be moved because of wiring, wedging or tying.

3026 The witness does not consider wires, wedges and rubber bands a practical method of fraud at elections, be-

3027 cause the voter would notice them and complain about it.

3028 *Cross-Examination by Mr. Mitchell.*

The witness has never heard of the actual use of any such device to defraud the voter of a vote.

In addition to the two minutes for setting up the machine at the polling place, it might take two minutes to roll the machine across the sidewalk, four minutes in all, and the teamsters should not spend more than five min-

utes at a polling place, except under circumstances of special difficulty.

3029 Witness has suggested to Election Commissioners that the seal is not necessary. It is no essential part of the machine.

3030 Witness also thinks that the men who testify to voting in the 20th precinct of the 1st ward might have lost their vote by failure in various ways to work properly the voting mechanism.

3031 Witness states that "there have not been any frauds by the use of voting machines."

3034 (The certificate of incorporation of the Empire Voting Machine Company was here read into the record and is found at page 3034 to page 3039 of the record.)

(The certificate changing the business office of the Empire Voting Machine Company from Rochester, New York, to Jamestown, New York, was also read into the record, to be found at page 3039 to page 3045 of the record.)

(Also certificate of payment of one-half of the capital stock of the Empire Voting Machine Company is read into the record, which is found at pages 3046 to 3050 of the record.)

Afternoon Session.
Wednesday, April 22, 1914.

HARRY E. HOFF resumes the stand:

3051 *Redirect Examination by Mr. Deneen.*

With a seal placed on the machine, it cannot be opened without breaking the seal, and cannot be sealed by a seal of the same number, unless the parties resealing are wanting to commit a crime.

3053 The judges and clerks were required to certify to the number of the seal at the election of 1912. "It was simply a form that we fell into at that first election; that was the first election we had a big election on the machine; but afterwards we saw it was useless."

3055 The witness thinks the machine cannot be manipulated, but was present at the hearing when 22 votes were cast for Rinaker.

Witness also saw, on the same occasion, votes cast for Rinaker transferred to Mr. Hoyne on the voting machine.

3056 Witness doubts whether the man who testified to voting for Rinaker went into the machine and voted.

3057 Witness is asked as to the voters who had the assistance of election judges in voting on the machine, and replies: "One; they said one; and there should be two judges go in with them, or two persons of the board, of opposite parties."

3059 If a voter went into the machine and the machine did not register his vote there would be no check on the machine to show that fact. The protective counter would show that some man was at the machine, but would not identify him.

Only about 100 machines were adjusted at the warehouse before the election of 1912. The others were adjusted at the various precincts and at the City Hall.

The machines were in the City Hall for a few weeks before the election. The experimental machines were out in the city two or three weeks.

3061 Only one machine was in a ward where the machine was not used in the election. That was the 3d ward.

3062 Witness does not remember a report in the newspapers that no machines from the 2d ward had been returned by midnight and does not remember whether they were returned or not.

Witness does not remember that some machines in the 6th and 7th wards were not returned for 26 to 36 hours after election.

Witness thinks there is a record of the time.

3065 Witness remembers once the voting machines were transported for \$3 a round trip; another time \$5 a round trip, and is not positive that there was ever a charge of \$3 each way.

The Election Commissioners begin sending out machines to polling places about 3 days before election.

3066 Five dollars per day, witness thinks, was paid for the rent of polling places. The registration is \$5; regular elections, \$5; special elections, \$7; and in 1912 the Election Commissioners got special permission from each polling place to leave the machine extended time without charge.

3067-8 The machine is not disarranged by jarring, and a fraudulent arrangement of the machine with clips, wires, bands, and so forth, would not be upset by jarring if put on tight enough; neither would counters set back 20 be set right or differently by jarring.

3069 Witness does not think that clips, wires, bands, and so forth are practical means of fraud.

3070 Witness saw the machine in the room record inaccurately the votes cast as the result of manipulation inside and outside the machine.

3071 If persons had facilities for doing it, machines might be made to record falsely the votes cast.

3072 It could not have been done on the machine used in the 20th precinct of the 1st ward; without the keys nobody can manipulate the machine after they are returned to the warehouse from the election precinct. The keys are kept in the vault and William Curran has charge of the vault.

3073 A custodian could place paper zeroes over the counters and the judges of election could not discover them from an examination of the machine.

3077 When the machines are sent out all the counters show zeroes. These are not changed by the judges of election. Simply examine the machines to see that the counters show zeroes.

 All voting machines might be so set by a dishonest official as to show zeroes and they would look all right to the judges, though they might be 100 off.

3078 But you would have to move the counter-wheels and add one more to the protective counter doing it. This, however, the judges could not detect, as it is never opened.

 The public counter is set at zero after each election.

3079 When the machine is operated and the counter-wheels turned, the paper zeroes fall off into the grouping compartment. A new counter with two zeroes in place of a zero and a one, might be used.

3080 The machine, however, is voted eleven times before it is sent out of the warehouse and so this attempt at fraud would be discovered. It would be discovered by the man who had custody of the machines, but the public would not know it.

3081 "Mr. McEWEN. This would assume that the judges and clerks in all the precincts in the city failed to discover it; also the watchers for the different parties, and that none of the custodians checked up on the protective counter."

 The fact that the manipulation of machines by a custodian cannot be discovered by the judges or public applies to any machine that was ever built.

THEODORE DePALMA:

3082 *Direct Examination by Mr. Deneen.*

Resides at 144 West 22nd street. Voted in the 24th precinct of the 1st ward at the presidential election of 1912 on the voting machine, a straight Progressive ticket.

3083 *Cross-Examination by Mr. McEwen.*

The voter pulled down the pointer for Roosevelt half way, about, pulled the voting-lever and walked out.

CHARLES STUMPF:

Direct Examination by Mr. Deneen.

3085 Resides 1702 Wabash avenue. Voted at the presidential election 1912 on the voting machine, a straight Republican ticket.

3086 *Cross-Examination by Mr. McEwen.*

Witness pulled the lever at the top according to instructions. He cannot recall what lever he pulled, but saw the name William Howard Taft there.

3087 Witness left the lever down after pulling it, then opened the curtain by pulling the lever, and walked out.

LAWRENCE F. KING:

Direct Examination by Mr. Deneen.

3088 Resides at 3173 Archer avenue. Is Deputy Clerk of the Circuit Court, connected with Judge Baldwin's court, and special commissioner custodian of data in connection with the contest over the office of State's Attorney in the election of 1912.

3089 Witness produces judges' certificates of election concerning voting machines used in the election of 1912.

(NOTE: Mr. Czarnecki produces tally-sheets showing recount as taken off the voting machines at the warehouse during the recount of the votes cast for State's

Attorney. The judges' certificates produced by Witness King show the number of the voting machines, the number of the wards and precincts in which the voting machine was used, the protective counter record before and after election, the public counter record after election and the number of the seal placed on the voting machine by the judges at the close of election. The recount tally-sheets produced by Commissioner Czarnecki show the same data with the differences as testified to by the witness and Commissioner Czarnecki, as follows:)

Thirty-fifth precinct of the 1st ward. Commissioner Czarnecki (recount) seal number 5,924, re-seal 372. Witness King, seal number 352.

3090 The judges and clerks of election put on seal number 352, the seal found on the seal at the time the recount was made was number 5,924.

3091 "Mr. McEWEN. Do you claim any other discrepancies?

"Mr. DENEEN. We have this series of mistakes; we have 107 seals that were changed, or that were changed after they left the judges."

There were 107 changes after they left the judges and
.3092 clerks. The changes were made in the seals.

"Mr. McEWEN. Or where the judges might have made a mistake in returning the number, as indicated here.

"Mr. DENEEN. After the judges certified to the number, that particular number that they put on the machine was found. The process has been testified to by Mr. Hoff over and over again that they were put in the cases and put in the warehouse and kept there 30 days unless there was a contest, and if there was a contest they were kept there until they were opened by order of the court, and when they were opened by order of the court, they established these discrepancies."

"The WITNESS. There has been a check made against the record of the recount taken off by Commissioner Czarnecki. It was made by Special State's Attorney John A. Northup during the investigation.

3093 "Mr. McEWEN. This form of discrepancy between the judges' certificates as to the number of seals and the seals found on the machines at the time of the recount would necessitate checking every precinct, taking a week's time of the committee."

Mr. McEwen is willing to have the matter taken up before a notary public or a commissioner to save the time of the committee.

3097 Witness KING. The 8th precinct of the 1st ward; the judges' and clerks' certificates, seal number 40; Mr. Czarnecki, recount record of the same machine, seal number 745, reseal, 860.

Mr. KING. Thirteenth precinct of the 1st ward, the judge's certificate, seal number 901; Mr. Czarnecki, recount seal number 844.

3098 Mr. KING. Seventeenth precinct of the 1st ward; judge's certificate, seal number 886; Mr. Czarnecki, recount seal number 83.

Mr. KING. Twenty-ninth precinct of the 1st ward, judge's certificate, seal number 906; Mr. Czarnecki, recount seal number 2478.

Witness KING. Thirtieth precinct of the 1st ward, judge's certificate, seal number—

3099 (Witness, continuing:) The judges of election in machine precincts have 3 certificates, certificate number 1 shows the machine number, whether the protective registered zero and what the protective counter registers. Certificate number 2, filled out the night before election, identifying the machine by showing the same machine number. Certificate number 3 showing the number of the machine again, but filled out after the polls are closed.

3101 Mr. KING. The 31st precinct of the 1st ward, judge's certificate, seal number 827; Commissioner Czarnecki, recount seal number 2499.

3102 Thirty-second precinct of the 1st ward; judge's certificate, seal number 2403; Commissioner Czarnecki, recount seal number 2463.

Mr. KING. Seventh precinct of the 2nd ward, judge's certificate seal number 995; Commissioner Czarnecki, recount seal number 734.

Mr. KING. Twelfth precinct of the 2nd ward, judge's certificate, seal number 365; Commissioner Czarnecki, seal number, recount, 789.

Witness King, answering a question of Mr. McEwen, states that he thinks the seals were placed on the machine after the election.

3104 Mr. KING. The 13th precinct of the 2nd ward, judge's certificate, seal number 31; Mr. Czarnecki, recount seal number 678.

Seventeenth precinct of the 2nd ward, judge's certificate, seal number 374; Mr. Czarnecki, recount seal number 748.

Mr. KING. Second precinct of the 6th ward, judge's

certificate, seal number 340; Commissioner Czarnecki, recount seal number 2447.

Mr. KING. Nineteenth precinct of the 6th ward, judge's certificate, seal number 329; Commissioner Czarnecki, recount seal number 2490.

Witness KING. Twenty-first precinct of the 6th ward, judge's certificate, seal number 306; Commissioner Czarnecki, recount seal number 2402.

Mr. KING. Twenty-ninth precinct of the 6th ward, judge's certificate, seal number 3; Commissioner Czarnecki, recount seal number 5982.

Mr. KING. Thirty-ninth precinct of the 6th ward, judge's certificate, seal number 315; Commissioner Czarnecki, recount seal number 813.

Mr. KING. Sixteenth precinct of the 7th ward, seal number 259; Mr. Czarnecki, recount seal number 141.

Mr. KING. Twenty-first precinct of 7th ward, judge's certificate, seal number 275; Commissioner Czarnecki, recount seal number 572.

Mr. KING. Twenty-fourth precinct of 7th ward, judge's certificate, seal number 555; Commissioner Czarnecki, recount seal number 559.

3106 Mr. KING. Twenty-fifth precinct of 7th ward, judge's certificate, seal number 272; Commissioner Czarnecki, recount seal number, "wax covered seal," reseal number 15377.

Mr. KING. Thirty-first precinct of 7th ward, judge's certificate, seal number 93; Commissioner Czarnecki, recount seal number 383.

Mr. KING. Thirty-second precinct of 7th ward, judge's certificate, seal number 297; Commissioner Czarnecki, recount seal number 547.

Mr. KING. Thirty-fourth precinct of 7th ward, judge's certificate, seal number 295; Commissioner Czarnecki, recount seal number 45.

Mr. KING. Thirty-eighth precinct of 7th ward, judge's certificate, seal number 266; Mr. Czarnecki, recount seal number 61.

Mr. KING. Thirty-ninth precinct of 7th ward, judge's certificate, seal number 131 and waxed; Mr. Czarnecki, recount seal number, sealed with wax and resealed with number 868.

Mr. KING. Forty-fifth precinct of 7th ward, judge's certificate number 545; Mr. Czarnecki, seal broken, 545, new seal 856.

3107 Mr. KING. Fourth precinct of 18th ward, seal number 242; Mr. Czarnecki, recount seal number 767; the seal was opened.

Sixth precinct of 18th ward, Mr. King, judge's certificate seal number 2,472; Mr. Czarnecki, recount seal number 793.

Tenth precinct of 18th ward, Mr. King, seal number 253; Mr. Czarnecki, recount seal number 630.

Mr. CZARNECKI. The 10th precinct of 18th ward was the last one?

Mr. KING. Seal number 4,462. Mr. Czarnecki, recount seal number 642.

Mr. KING. The 17th precinct of 18th ward, judge's certificate, seal number 243. There is an erasure. Mr. Czarnecki, recount seal number 605.

Mr. KING. Nineteenth precinct of 18th ward, judge's certificate, seal number 852; Mr. Czarnecki, seal number 636.

"The WITNESS. Here is a notation, 'Registered one, trying out machine, no vote.'"

3108 Mr. KING. Twentieth precinct of 18th ward, judge's certificate, seal number 469; Mr. Czarnecki, recount seal number 649.

Mr. KING. Twenty-third precinct of 18th ward, judge's certificate, seal number 251; Mr. Czarnecki, recount seal number 753.

Mr. KING. Thirty-first precinct of 18th ward, judge's certificate, seal number 112; Mr. Czarnecki, recount seal number 665.

Mr. KING. Thirty-fourth precinct 18th ward, judge's certificate, seal number 391; Mr. Czarnecki, recount seal number 609.

Mr. KING. Thirty-fifth precinct 18th ward, judge's certificate, seal number 111; Mr. Czarnecki, recount seal number 714.

Mr. KING. Thirty-sixth precinct 18th ward, judge's certificate, seal number 977; Mr. Czarnecki, recount seal number 779.

Mr. KING. Thirty-seventh precinct of 18th ward, judge's certificate, seal number 197; Mr. Czarnecki, recount seal number 728.

Mr. KING. Thirty-ninth precinct of 18th ward, judge's certificate, seal number 733; Mr. Czarnecki, recount seal number 1,098.

Mr. KING. Forty-first precinct of 18th ward, judge's

certificate, seal number 99; Mr. Czarnecki, recount seal number 751.

Mr. KING. Forty-third precinct of 18th ward, judge's certificate, seal number 106; Commissioner Czarnecki, recount seal number 736.

- 3109 Mr. KING. Forty-seventh precinct of 18th ward, judge's certificate, seal number 5,956; Mr. Czarnecki, recount seal number 750.

Mr. KING. Fifty-first precinct 18th ward, judge's certificate, seal number 101; Mr. Czarnecki, recount seal number 731.

- 3110 Mr. KING. Second precinct of 21st ward, judge's certificate, number 502; Mr. Czarnecki, recount seal number 2,445.

Mr. KING. Sixth precinct of 1st ward, judge's certificate, seal number 512; Mr. Czarnecki, recount seal number 5,943.

Mr. KING. Seventh precinct of 21st ward, judge's certificate, number 764; Mr. Czarnecki, recount seal number 768.

Mr. KING. Thirteenth precinct of 21st ward, judge's certificate, seal number 558; Mr. Czarnecki, recount seal number 2,444.

Mr. KING. Eighteenth precinct of 21st ward, judge's certificate, number 411; Mr. Czarnecki, recount seal number 5,965.

Mr. KING. Twentieth precinct of 21st ward, judge's certificate, seal number 381; Mr. Czarnecki, recount seal number 5,969.

Mr. KING. Twenty-fifth precinct of 21st ward, judge's certificate, seal number 357; Mr. Czarnecki, recount seal number 2,426.

Mr. KING. Thirty-third precinct 21st ward, judge's certificate, seal number 990; Mr. Czarnecki, recount seal number 2,487.

Thirty-seventh precinct of 21st ward, judge's certificate, seal number 395; Mr. Czarnecki, recount seal number 2,445.

- 3111 Mr. KING. Forty-third precinct of 21st ward, judge's certificate, seal number 4,944; Mr. Czarnecki, recount seal number 5,944.

Mr. KING. Forty-sixth precinct 21st ward, judge's certificate, seal number 5,978; Mr. Czarnecki, recount seal number 59.

Mr. KING. Fifth precinct 25th ward, judge's certificate, seal number 719; Mr. Czarnecki, recount seal number 619.

Mr. KING. Tenth precinct of 25th ward, judge's certificate, seal number 507; Mr. Czarnecki, seal number 705; not intact; not sealed.

Mr. KING. Sixteenth precinct of 25th ward, judge's certificate, seal number 659; Mr. Czarnecki, recount seal number 659; not intact; not sealed.

Mr. KING. Eighteenth precinct 25th ward, judge's certificate, seal number 396; Mr. Czarnecki, recount seal number 695.

Mr. KING. Nineteenth precinct of 25th ward, judge's certificate, seal number 592; Mr. Czarnecki, recount seal 791; not sealed; seal not intact.

Mr. KING. Twenty-first precinct of 25th ward, judge's certificate, seal number 795; Mr. Czarnecki, recount seal number 695; not sealed; not intact; not connected.

3112 Mr. KING. Twenty-second precinct of 25th ward, no seal number in the certificate; Mr. Czarnecki, recount seal number 5,997; not sealed.

Mr. KING. Twenty-third precinct of 25th ward, judge's certificate, seal number 5,952; Mr. Czarnecki, recount seal number 5,920.

Mr. KING. Thirty-fourth precinct of 25th ward, judge's certificate, seal number 520; Mr. Czarnecki, recount seal number 5,914.

Mr. KING. Thirty-fifth precinct of 25th ward, judge's certificate, seal number 5,913.

"Mr. CZARNECKI. With evidence of a correction there."

Mr. CZARNECKI. Recount seal number 2,913.

"Mr. DENEEN. Evidently that was a mistake made."

Mr. KING. Thirty-sixth precinct of 25th ward, judge's certificate, seal number 521; Mr. Czarnecki, recount seal number 723.

Mr. KING. Thirty-seventh precinct of 25th ward, judge's certificate, seal number 585; Mr. Czarnecki, recount seal number 92; not sealed.

Mr. KING. Thirty-eighth precinct of 25th ward, judge's certificate, seal number 186; Mr. Czarnecki, recount seal number 755.

3113 Mr. KING. Fortieth precinct of 25th ward, judge's certificate, seal number 157; Mr. Czarnecki, recount seal number 733.

Mr. KING. Fifth precinct of 26th ward; judge's certifi-

cate, seal number 650; Mr. Czarnecki, recount seal number 616.

(NOTE: From this on I will not give name of witness, but only number of seals in judge's certificate and the recount.)

6th precinct, 26th ward, seal number 157; recount seal number 709, recorded, not sealed.

18th precinct, 26th ward, judge's seal number 501; recount seal number 921.

19th precinct, 26th ward, judge's seal number 160; recount seal number 937.

9th precinct, 26th ward, judge's seal number 505; recount, "no metallic seal on curtain lever."

21st precinct, 26th ward, judge's seal, number 96; recount seal, number 960.

25th precinct, 26th ward, judge's seal, number 155; recount seal number 962.

29th precinct, 26th ward, judge's seal number 96; recount seal number 951.

30th precinct, 26th ward, judge's seal number 185; recount seal number 612.

31st precinct, 26th ward, judge's seal number 983; recount seal "not attached."

33rd precinct, 26th ward, judge's seal number 179; recount seal number 682; not sealed.

34th precinct, 26th ward.

"Mr. KING. Here is a notation on the 34th precinct of the 26th ward, 'Had no seal, not delivered to us.'"

Recount "no metallic seal attached."

3115 36th precinct, 26th ward, judge's seal number 4,445; recount seal number 967, not sealed.

1st precinct, 31st ward, judge's seal number 5,966; recount seal number 5,968.

2nd precinct, 31st ward, judge's seal number 871; recount seal number 5,925.

6th precinct, 31st ward, judge's seal number 442; recount seal number 5,981.

16th precinct, 31st ward, judge's seal number 443; recount seal number 5,973.

17th precinct, 31st ward, judge's seal number 891; recount seal number 2,498.

18th precinct, 31st ward, judge's seal number, 2,430; recount, "no seal, not sealed."

3116 24th precinct, 31st ward, judge's seal number 428; recount seal number 2476.

25th precinct, 31st ward, judge's seal number 453; recount seal 5,947.

29th precinct, 31st ward, judge's seal number 446; recount seal number 2,465.

30th precinct, 31st ward, judge's seal number 430; recount seal number 2,471.

36th precinct, 31st ward, judge's seal number 586; recount seal number 5,949, not sealed.

38th precinct, 31st ward, judge's seal number 439; recount seal number 6,000, not fastened.

39th precinct, 31st ward, judge's seal number 434; recount "no seal."

8th precinct, 32nd ward, judge's seal number 482; recount seal number 628.

9th precinct, 32nd ward, judge's seal number 890; recount seal number 684; seal not connected; not sealed.

10th precinct, 32nd ward, judge's seal number 480; recount seal number 947.

25th precinct, 32nd ward, judge's seal number 401; recount seal number 621.

26th precinct, 32nd ward, judge's seal number 497; recount seal number 773.

"Mr. CZARNECKI. The voting machine number on certificate number 2 is the same as on the recount tally-sheet, but on certificate number 3, the voting machine number is given as 773, which is the seal number."

30th precinct, 32nd ward, judge's seal number 495; recount seal 645.

40th precinct, 32nd ward, judge's seal number 694; recount seal number 964.

41st precinct, 32nd ward, judge's seal number 460; recount seal number 713.

44th precinct, 32d ward, judge's seal number 5,001; recount seal number 611.

3118 The differences between the protective counters before and after the election as shown by the judges' certificates and as shown at the recount follows:

31st precinct of 1st ward.

MR. CZARNECKI. Voting machine No. 4751; recount protective counter before, 2,993; after, 3,069; public counter 76.

MR. KING. Voting machine 4,751; judge's certificate; protective counter, before 2,993; after 3,069; public counter 76.

8120 Ward 2, precinct 1.

Mr. KING. Machine No. 4593. Judge's certificate, protective counter, before 3,075; after 3,127; public counter, 70.

Mr. CZARNECKI. Recount. Protective counter, before 3,057; after 3,127; public counter, 70.

6th ward, 3d precinct.

Mr. KING. Judge's certificate machine No. 4578. Protective counter, before 2,964; after 3,031; public counter, 67.

Mr. CZARNECKI. Recount. Machine No. 4578. Protective counter, before 2,964; after 3,031; public counter, 67.

Mr. KING. 1st ward, 20th precinct. Judge's certificate, Machine No. 4620. Protective counter, before 3,083; after, blank; public counter, 102.

Mr. CZARNECKI. Recount. Machine No. 4620. Protective counter, before 2,995; after 3,097; public counter, 102.

3122 Mr. DENEEN states that the difference between the protective counter before, according to the judge's certificate, and the protective counter after, according to the recount, is 14 votes, and according to the public counter in both instances 102 votes, affording no check on correctness.

3124 Mr. CZARNECKI. 2,995 is the protective counter as the machine was when it left the warehouse, according to the records of our custodian furnished during the recount.

3125 Mr. DENEEN. Mr. Hoff's record does not agree with the record of five other persons made under oath in the polling place.

3127 Mr. KING. 17th precinct of 6th ward. Judge's certificate, machine No. 4802, protective counter before, 2,932; after, 2,932; public counter, 77.

Mr. CZARNECKI. Recount; protective counter before, 2,932; after, 3,009; public counter, 77.

3128 Mr. KING. 33d precinct, 6th ward. Judge's certificate, machine No. 4397; protective counter before, 3,303; with a notation, "Final after repairs." Protective counter, after, 3,371; public counter, 70.

Mr. CZARNECKI. Recount. Protective counter before, 3,301; after, 3,371; public counter, 70.

3129 Mr. KING. 7th ward, 8th precinct. Judge's certificate, machine No. 4388; protective counter before, blank; after, 3,239; public counter, 87.

- Mr. CZARNEKI. Recount. Protective counter before, blank; after, 3,239; public counter, 87.
- 3130 Mr. KING. 7th ward, 26th precinct. Judge's certificate, machine No. 4596; protective counter before, 4,119; after, 4,119; public counter, 91.
- Mr. CZARNEKI. Recount. Protective counter before, 4,028; after, 4,119; public counter, 91.
- Mr. KING. 20th precinct, 7th ward. Machine No. 4617. Judge's certificate; protective counter before, 39; after, 39; public counter, 376.
- Mr. CZARNEKI. Recount. Protective counter before, 4,329; after, 4,368; public counter, 39.
- Mr. KING. Ward 18, 14th precinct. Machine No. 4793; protective counter before, 2,934; after, 3,040; public counter, "I can't make that out."
- 3131 Com'r CZARNEKI. Recount. Protective counter before, 2,934; after, 3,050; public counter, 116.
- 3132 Mr. KING. Precinct 40, 18th ward. Machine No. 4806. Protective counter before, 5,084; after, 5,120; public counter, 37.
- Mr. CZARNEKI. Recount. Protective counter before, 4,775; after, 5,120; public counter, 37.
- 3134 Mr. KING. 41st precinct, 8th ward. Judge's certificate, machine No. 4850; protective counter, blank; after, 2,835; public counter, 60.
- Mr. CZARNEKI. Recount. Machine No. 4150 instead of 4850. Protective counter before, 2,775; after, 2,835; public counter, 60.
- 3135 Mr. KING. 4th precinct, 21st ward. Machine No. 4681. Protective counter before, 4,034; after, blank; public counter, blank.
- Mr. CZARNEKI. Recount. Protective counter, 3,153; after, 3,190; public counter, 137.
- 3136 Mr. KING. 1st precinct, 21st ward. Machine No. 4706. Protective counter before, 3,824; after, 3,914; public counter, 90.
- Mr. CZARNEKI. Recount. Protective counter before, 3,824; after, 3,914; public counter, 90.
- Mr. KING. 17th precinct, 21st ward. Machine No. 4703. Protective counter before, 3,684; after, 3,731; public counter, 48.
- Mr. CZARNEKI. Recount. Protective counter before, 3,683; after, 3,731; public counter, 48.
- 3137 Mr. KING. 32d precinct, 21st ward. Machine No. 4682.

Protective counter before, 3,249; after, 3,306; public counter, 507.

Mr. CZARNECKI. Recount. Protective counter before, 3,249; after, 3,306; public counter, 57.

Mr. KING. 36th precinct, 21st ward. Machine No. 4844. Protective counter before, 2,799; after, 2,883; public counter, 183.

Mr. CZARNECKI. Recount. Protective counter before, 2,799; after, 2,983; public counter, 184.

Mr. KING. 39th precinct, 21st ward. Machine No. 4858. Protective counter before, 2,764; note, "but started on 2,768 on account of machine being out of order"; after, 2,859; public counter, 95.

Mr. CZARNECKI. Recount. Protective counter before, 2,764; after, 2,859; public counter, 95.

3138 Mr. KING. 40th precinct, ward 21. Machine No. 4849. Protective counter before, 2,800; after, 2,800; public counter, 109.

Mr. CZARNECKI. Recount. Protective counter before, 2,691; after, 2,800; public counter, 109.

Mr. KING. 45th precinct, 21st ward. Machine No. 4826. Protective counter before, 2,734; after, 2,810; public counter, 78.

Mr. CZARNECKI. Recount. Protective counter before, 2,732; after, 2,810; public counter, 78.

Mr. KING. 48th precinct, 21st ward. Machine No. 4673. Protective counter before, 2,984; after, 2,984; public counter, 86.

Mr. CZARNECKI. Recount. Protective counter before, 2,898; after, 2,984; public counter, 86.

3139 Mr. KING. 8th precinct, 21st ward. Judge's certificate, machine No. 4705. Protective counter before, blank; after, 3,330.

Mr. CZARNECKI. Recount. Protective counter before, 3,240; after, 3,330; public counter, 87.

Mr. KING. 14th precinct, 25th ward. Judge's certificate, machine No. 4512. Protective counter before, 363; after, 365; public counter, 2. "None voted on machine."

Mr. CZARNECKI. Recount. Protective counter before, 363; after, 365; public counter, 2.

3140 Mr. KING. 16th precinct, 25th ward. Judge's certificate, machine No. 589. Protective counter before, 3,662; after, 90; public counter, 92.

Mr. CZARNECKI. Recount. Machine No. 4471 (different

number machine). Protective counter before, 3,662; after, 90; public counter, 92.

Mr. KING. 29th precinct, 25th ward. Judge's certificate, machine No. 4457. Protective counter before, 3,689; after, 3,689; public counter, 45.

Mr. CZARNECKI. Recount. Protective counter before, 3,644; after, 3,689; public counter, 45.

3141 Mr. KING. 39th precinct, 25th ward. Judge's certificate, machine 4472. Protective counter before, 3,699; after, 3,769; public counter, 70.

Mr. CZARNECKI. Recount. Protective counter before, 3,699; after, 3,769; public counter, 70.

Mr. KING. 9th precinct, 26th ward. Judge's certificate, machine No. 4760. Protective counter before, 1,917; after, 1,998; public counter, 73.

Mr. CZARNECKI. Recount. Protective counter before, 1,917; after, 1,999; public counter, 82.

Mr. KING. 11th precinct, 26th ward. Judge's certificate, machine No. 4425. Protective counter before, 4,038; after, 4,038; public counter, 40.

Mr. CZARNECKI. Recount. Protective counter before, 3,998; after, 4,038; public counter, 40.

3142 Mr. KING. 25th precinct, 26th ward. Judge's certificate, machine No. 4422. Protective counter before, 48; after, 48; public counter, 48.

Mr. CZARNECKI. Recount. Protective counter before, 3,891; after, 3,939; public counter, 48.

Mr. KING. 26th precinct, 26th ward. Judge's certificate, Machine No. 4446. Protective counter before, 3,634; after, 3,736; public counter, 102.

Mr. CZARNECKI. Recount. Protective counter before, 3,634; after, 3,736; public counter, 102.

Mr. KING. 36th precinct, 26th ward. Judge's certificate, Machine No. 4445. Protective counter before, 3,861; after, 164; public counter, 3,861.

Mr. CZARNECKI. Recount. Protective counter before, 3,697; after, 3,861; public counter, 164.

3144

"COMMITTEE'S EXHIBIT 5, OF 4/22/14.

STATE OF CALIFORNIA,
CITY AND COUNTY OF SAN FRANCISCO. } ss.

Andrew M. Lawrence, having been first duly sworn, deposes and says:

I am a resident of the City of Chicago and the president of the Illinois Publishing & Printing Company, the publisher of the Chicago Examiner.

I have read a statement introduced by Charles S. Deenen, before the Legislative Committee of the State of Illinois, investigating the efficiency of voting machines and a certain contract made by the Board of Election Commissioners of the City of Chicago, for the purchase of a device known as the 'Empire Voting Machine.' This statement was forwarded to me at the City of San Francisco. It is unsigned and unattested and purports to be the statement of three residents of Ottumwa, Iowa, Harrison, Gray and Pickler; to the effect that they were to be paid \$1,500 by one H. W. Barr if they were able to bring about an introduction of H. W. Barr to myself through Chas. Walsh and secure my endorsement of the 'Empire Voting Machines'—it being expected that with my endorsement, said Empire Machines could be sold to the City of Chicago.

3145 I never had any knowledge of any such agreement. I do not know H. W. Barr and to my best knowledge and belief have never met him. He was never introduced to me by Charles Walsh or by any other person. All statements with reference to any interviews had between myself and H. W. Barr and Charles Walsh with reference to the sale of these machines, are absolutely and entirely false and no such interviews ever took place.

Inasmuch as I am temporarily absent from Chicago, with the knowledge and consent of the Committee, I hasten to forward this statement by mail and by telegraph, to deny an unsigned and unsworn statement, introduced before said Committee, for the mere purpose of villifying me.

Subscribed and sworn to before me this 16th day of August, 1913.

(Signed) ANDREW M. LAWRENCE.

GEO. H. CATANISS,

*Judge of the Superior Court of the City
and County of San Francisco, State of
California."*

VOLUME XXVIII.

Thursday, April 23, 1914.
Morning Session.

3148 LAWRENCE F. KING resumes the stand:

Further Direct Examination by Mr. Deneen.

Mr. KING. 17th precinct, 31st ward. Judge's certificate, seal number 891; protective counter before, 2,751; after, 2,812; public counter, 62.

Recount. Protective counter before, 2,751; after, 2,893; public counter, 62. Seal number 2,498.

3150 Mr. KING. 18th precinct, 31st ward. Machine No. 4523. Protective counter before and after in pencil, the rest of the document in ink.

Mr. Deneen states that the pencil marks show 70 registered on the public counter and 3,799 registered on the protective counter.

Mr. KING. 2d precinct, 31st ward. Judge's certificate, Machine No. 4861; protective counter before, 2,691; after, 2,785; public counter, 94.

Recount: Protective counter before, 2,691; after, 2,785; public counter, 94.

Mr. KING. 5th precinct, 31st ward. Judge's certificate, Machine No. 4502. Protective counter before, 3,826; after, 3,921; public counter, 95.

Recount: Protective counter before, 3,826; after, 3,921; public counter, 95.

3151 Mr. KING. 37th precinct, 31st ward. Judge's certificate, Machine No. 4479; protective counter before, blank; after, 141; public counter, 144.

Recount: Protective counter before, 3,025; after, 3,169; public counter, 144.

3152 Mr. KING. 12th precinct, 32d ward. Judge's certificate, Machine No. 4742. Protective counter before, 4,788; after, 4,902; public counter, 986.

Recount: Protective counter before, blank; after, 4,904; public counter, 116.

3153 Mr. KING. 28th precinct, 32d ward. Judge's certificate, Machine No. 4650. Protective counter before, 3,637; after, 3,774; public counter, 141.

Recount: Protective counter before, 3,632; after, 3,774; public counter, 142.

Mr. KING. 34th precinct, 32d ward. Judge's certificate, Machine No. 4394. Protective counter before, 3,249; after, 3,335; public counter, 86.

Recount: Protective counter before, 3,249; after, 3,335; public counter, 86.

Mr. KING. 45th precinct, 32d ward. Judge's certificate, Machine No. 4517. Protective counter before, 3,673; after, 3,802; public counter, 129. Notation on certificate: "The above certificate was correct at 6 o'clock A. M. In trying to get the machine to operate in trial by the board expert, thirteen were registered on the public counter and 3,686 was registered before the machine—before it commenced to work, and one vote each was registered for candidate number 42-A and 43-A. A. C. Maud, Enoch Harpole and Clyde Magee."

Recount: Protective counter before, blank; after, 3,802; public counter, 129.

Mr. DENEEN. There is nothing to show for whom those 13 votes were counted. It was simply 13 votes over and that many checked from the public counter, but that is all.

3156 Mr. KING. 47th precinct, 32d ward. Judge's certificate, Machine No. 4538. Protective counter before, 3,762; after, 3,922; public counter, 159.

Recount: Protective counter before, blank; after, 3,932; public counter, 151.

3157 Mr. KING. 33d precinct, 31st ward. Judge's certificate, Machine No. 4531. Protective counter before, 366; after, 366; public counter, 96.

Recount: Protective counter before, 3,660; after, 3,756; public counter, 96.

Mr. KING. 14th precinct, 32d ward. Judge's certificate, Machine No. 4419. Protective counter before, 3,254; after, 3,327; public counter, 73.

Recount: Protective counter before, blank; after, 3,327; public counter, 73.

Mr. KING. 19th precinct, 26th ward. Judge's certificate, Machine No. 4415. Protective counter before, blank; after, 5,221; public counter, 87.

Recount: Protective counter before, 5,134; after, 5,221; public counter, 87.

3158 In this precinct the judges' certificates were not filled out.

3159: Mr. KING. Precinct 4, ward 1. Certificate number 2.

Machine No. 835, certificate number 3, Machine No. 799. Protective counter before, 276; after, 2,715; public counter, 9.

Recount: Machine No. 4799. Protective counter before, 2,715; after, 2,706; public counter, 9.

- 3161 Mr. KING. Precinct 5, ward 1. Judge's certificate, Machine No. 4847. Protective counter before, 2,825; after, 2,812. Public counter, blank; seal number, blank.

Recount: Protective counter before, 2,810; after, 2,825; public counter, 15; seal number, 606.

- 3162 Mr. KING. 14th precinct of 1st ward. Judge's certificate, Machine No. 4748. Protective counter before, 2,861; after, 2,903; public counter, 42; seal number blank.

Recount: Protective counter before, 2,861; after, 2,903; public counter, 42; seal number 772.

- 3163 Mr. KING. 15th precinct, 1st ward. Judge's certificate, Machine No. 4763. Protective counter before and after, and public counter, blank.

Recount: Protective counter before, 2,908; after, 2,988; public counter, 80; seal number 670.

Mr. KING. 16th precinct, 1st ward. Machine No. 4740. Protective counter before, blank; after, 2,775; public counter, 9.

Recount: Protective counter before, 2,766; after, 2,775; public counter, 9; seal number 812.

Mr. KING. 17th precinct, 1st ward. Judge's certificate, Machine No. 4782. Protective counter before, blank; after, 3,566; public counter, 166.

Recount: Protective counter before, 3,450; after, 3,566; public counter, 116; seal number, 836.

- 3164 Mr. KING. 20th precinct, 1st ward.

"There is nothing here for the 20th precinct. The certificates are missing."

"Mr. DENEEN. This is the precinct where the gentlemen testified to voting."

- 3166 Mr. DENEEN. I think we should request one of the commissioners, if one is here, or Mr. Stuart, to go over and look it up.

Mr. STUART. The 20th precinct of the first ward is not here, apparently. I think we can find it if it was receipted for that night.

The certificate was not produced.

Mr. KING. The machine number was 4829. Protective counter before, blank; after, 30; public counter, blank.

Recount: Machine No. 4829. Protective counter be-

fore, 2,796; after, 2,831; public counter, 35; seal number 5906.

Mr. KING. 22d precinct, 1st ward. Judge's certificate, Machine No. 4744. Protective counter before, blank; after, 3,069; public counter, 36.

Recount: Protective counter before, 3,033; after, 3,069; public counter, 36; seal number 5954.

3167 Mr. KING. 23d precinct, 1st ward. Judge's certificate, Machine No. 4775. Protective counter before, 2,888; after, blank; public counter, blank.

Recount: Protective counter before, 2,888; after, 2,888; public counter, blank.

Mr. KING. No seal number on certificate number 3.

Mr. KING. 24th precinct, 1st ward, Machine No. 4555. Protective counter before, blank; protective counter after, 3,155; public counter, 7; certificate number 2 is missing. Seal number, blank.

Recount: Protective counter before, 3,148; after, 3,155; public counter, 7; seal number 5946.

3168 Mr. KING. 26th precinct, 1st ward. Judge's certificate, Machine No. 4830. Protective counter before, blank; after, 374; public counter, 30; seal number 5994.

"Mr. MULDOWNY. There is no recount sheet for that precinct."

29th precinct, 1st ward, the recount sheet is also missing.

3169 Mr. KING. 27th precinct, 1st ward, Machine No.; certificate number 3, 876; certificate number 2, 2,698. Certificate number 1 is missing. Seal number, 876. Protective counter after, 2,699; public counter, 8. There is no recount sheet for this precinct.

3170 Mr. KING. 31st precinct, 1st ward. Judge's certificate, Machine No. 4833. Protective counter before, blank; after, 2,796. Public counter, 11. "There has been an erasure on the public counter."

Recount: Protective counter before, 2,725; after, 2,796; public counter, 11; seal number, 2,499.

3171 Mr. KING. 32d precinct, 1st ward, Machine No. 4813. Protective counter before, 2,826; after, blank; public counter, blank.

Recount: Protective counter before, 2,896; after, 2,895; public counter, 59. Seal number, 2463.

Mr. KING. 34th precinct, 1st ward. Judge's certificate, Machine No. 4745. Protective counter before, 3,159; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,159; after, 3,254; public counter, 95; seal number, 5,906.

Mr. KING. 36th precinct, 1st ward. Judge's certificate, Machine No. 4752. Protective counter before, 3,212; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,212; after, 3,275; public counter, 63; seal number 5923.

3172 Mr. KING. 38th precinct, 1st ward. Judge's certificate, Machine No. 4783, certificate number 1 is missing; seal number, blank; protective counter, after, 3,061; public counter, 140.

Recount: Protective counter before, 2,921; after, 3,061; public counter, 140; seal number 5953.

3173 Mr. KING. 4th precinct, 2d ward. Judge's certificate, Machine No. 4614. Protective counter before, blank; after, 3,374; public counter, 72.

Recount: Protective counter before, 3,307; after, 3,374; public counter, 72; seal number 680; reseal 854.

Mr. KING. The 5th precinct, 2d ward. Judge's certificate, Machine No. 4543; protective counter before, 338; after, blank; public counter, blank.

Recount: Machine No. 4533 (different number). Protective counter before, 3,354; after, 3,385; public counter, 31; seal number, 637.

Mr. KING. 6th precinct, 2d ward. Judge's certificate, Machine No. 4589. Protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 4,935; after, 4,949; public counter, 14; seal number, 762.

3174 Mr. KING. 7th precinct, 2d ward. Judge's certificate, Machine No. 4603. Protective counter before, blank; after, 32; public counter, 2,628; seal number 995.

Recount: Protective counter before, blank; after, 2,628; public counter, 32; seal number 734.

3176 Mr. KING. 2d precinct, 2d ward. Judge's certificate, Machine No. 4746. Protective counter before, 2,768; after, blank; public counter, blank.

Recount: Protective counter before, 2,762; after, 2,952; public counter, 84; seal number, 739.

Mr. KING. 10th precinct, 2d ward. Judge's certificate, Machine No. 4559. A note by the judges and clerks of election states that the voting machine was not used.

Recount: Protective counter before, 3,108; after, 3,109; public counter, blank; seal number 365.

Mr. KING. 13th precinct, 2d ward, Machine No. 4522.

Protective counter before, 3,633; after, blank; public counter, blank.

Recount: Machine 4532. Protective counter before, 3,633; after, 3,721; public counter, 88; seal number 678 (different number machine).

Mr. KING. 15th precinct, 2d ward. Judge's certificate, Machine No. 4549. Protective counter before, blank; after, 3,329; public counter, 80, "and one female."

3178 Recount: Protective counter before, 3,248; after, 3,329; public counter, 81; seal number 740.

Mr. KING. 16th precinct, 2d ward. Judge's certificate, Machine No. 760. Protective counter before, 342; after, 77; public counter, blank.

Recount: Machine No. 4376. Protective counter before, blank; after, 3,190; public counter, 77; seal number 760.

Mr. KING. 18th precinct, 2d ward. Judge's certificate, Machine No. 4604. Protective counter before, 3,336; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,336; after, 3,361; public counter, 25; seal number, 764.

3179 Mr. KING. 20th precinct, 2d ward. Judge's certificate, Machine No. 4509. Protective counter before, 3,985; after, blank; public counter, blank; seal number, blank.

"Mr. DENEEN (to Mr. Muldowney, who is calling off the recount). You have not the 20th?

"Mr. MUDOWNEY. Just the first 19 precincts."

Mr. KING. 22d precinct, 2d ward. Judge's certificate, Machine No. 4554. Protective counter before, 3,234; after, 3,278; public counter, 44; seal number, blank.

3180 Mr. KING. 30th precinct, 2d ward. Judge's certificate, Machine No. 4734. Protective counter before, 4,208; after, 4,208; public counter, blank; seal number 666.

Mr. KING. 35th precinct, 2d ward. Judge's certificate, Machine No. 4508. Protective counter before, blank; after, 3,669; public counter, 31.

Mr. KING. 36th precinct, 2d ward. Judge's certificate, Machine No. 4621; protective counter before, 3,207; after, blank; public counter, blank; seal number, blank.

Mr. KING. 39th precinct, 2d ward. Judge's certificate, Machine No. 4587; protective counter before, 4,168; certificates numbers 2 and 3, blank, and seal number, blank.

3181 Mr. KING. 40th precinct, 2d ward. Judge's certificate, Machine No. 4611. Protective counter before, blank; after, 3,534; public counter, 16.

Mr. KING. 43d precinct, 2d ward. Judge's certificate, Machine No. 4597. Protective counter before, blank; after, 3,186; public counter, 4,138.

- 3182 Mr. KING. 51st precinct, 2d ward. Judge's certificate, Machine No. 4537. Protective counter before, 4,886; after, 4,967; public counter, 81; seal, blank.

Mr. KING. 52d precinct, 2d ward. No number of machine given. Protective counter before, 3,098; after, blank; public counter, blank; seal number, blank.

Mr. KING. 1st precinct, 6th ward. Judge's certificate, Machine No. 4800. Protective counter before, blank; after, 2,627; public counter, 83.

Recount: Protective counter before, 2,544; after, 2,697; public counter, 83; seal number, 708.

Mr. KING. 2d precinct, 6th ward. Judge's certificate, Machine No. 4622. Protective counter before, blank; after, 3,125; public counter, 37.

Recount: Protective counter before, 3,088; after, 3,125; public counter, 37; seal number 2447.

Mr. KING. 5th precinct, 6th ward. Judge's certificate, Machine No. 4634. Protective counter before, 3,180; after, blank; public counter, blank; seal number, blank.

- 3183 Recount: Machine No. 4634. Protective counter, before, 3,182; after, 3,266; public counter, 86; seal number, blank.

Mr. KING. 6th precinct, 6th ward. Judge's certificate, Machine No. 4373; Protective counter, before, 1,244; after, blank; public counter, 64; seal number, blank.

Recount: Machine No. 4373. Protective counter before, 1,244; after, 1,308; public counter, 64; seal number, 610.

Mr. KING. 7th precinct, 6th ward. Machine No. 4398. Protective counter before, 3,516; after, 3,599; public counter, 83; seal number, blank.

Recount: Protective counter before, 3,516; after, 3,599; public counter, 83; seal number, 5,996.

Mr. KING. 11th precinct, 6th ward. Judge's certificate, Machine No. 4497. Protective counter before, 2,947; after, 3,050; public counter, 123; seal number, blank.

Recount: Protective counter before, 2,947; after, 3,050; public counter, 103; seal number, 2,417.

- 3184 Mr. KING. Precinct 12, ward 6. Judge's certificate, Machine No. 4396. Protective counter before, 3,801; after, 3,886; public counter, 85; seal number, 5,992.

Recount: Protective counter before, 3,801; after, 3,886; public counter, 85; seal number, 3,992.

Mr. KING. 18th precinct, 6th ward. Judge's certificate, —no machine number on any of the certificates. Before, after and public counter and seal number, blank.

Recount: Machine No. 4569. Protective counter before, 3,700; after, 3,796; public counter, 96; seal number, 2,435.

- 3185 Mr. KING. 20th precinct, 6th ward. Judge's certificate, Machine No. 4620. Protective counter before, 3,083; after, blank; public counter, 102.

Recount: Protective counter before, 3,423; after, 3,295; public counter, 102; seal number 2488.

Mr. KING. 25th precinct, 6th ward. Judge's certificate, Machine No. 4405. Protective counter before, blank; after, 3,295; public counter, 52.

Recount: Protective counter before, 3,423; after, 3,295; public counter, 52; seal number, 2469.

Mr. KING. 27th precinct, 6th ward. Judge's certificate, Machine No. 4574. Protective counter before, 4,869; after, 4,950; public counter, 87; seal number, blank.

Recount: Protective counter before, 4,869; after, 4,956; public counter, 87; seal number, 2497.

Mr. KING. 29th precinct, 6th ward. Judge's certificate, Machine No. 4625. Protective counter before, blank; after, 3,519; public counter, 120; seal number, the figure 3.

Recount: Protective counter before, 3,299; after, 3,519; public counter, 120; seal number, 5,982.

Mr. KING. 37th precinct, 6th ward. Judge's certificate, Machine No. 4771. Protective counter before, 2,815; after, blank; public counter, blank.

Recount: Protective counter before, 2,815; after, 2,909; public counter, 94; seal number, 5904.

- 3187 Mr. KING. 40th precinct, 6th ward. Judge's certificate, Machine No. 4612. Protective counter before, blank; after, 73; public counter, 73.

Recount: Protective counter, before, 3,207; after, 2,380; public counter, 73; seal number, 2462.

Mr. KING. 42d precinct, 6th ward. Judge's certificate, Machine No. 4389. Protective counter before, blank; after, 46; public counter, 46.

Recount: Protective counter before, 3,432; after, 3,479; public counter, 46; seal number 2496.

Mr. KING. 44th precinct, 6th ward. Judge's certificate,

Machine No. 4594. Protective counter before, 3,198; after, 3,314; public counter, 116; seal number, blank.

Recount: Protective counter before, 3,198; after, 3,314; public counter, 116; seal number, 853.

Mr. KING. 3d precinct, 7th ward. Judge's certificate, Machine No. 4632. Protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter, before, 3,359; after, 3,359; public counter, blank; seal number 908.

3188 Mr. KING. 10th precinct, 7th ward. Judge's certificate, Machine No. 4582. Protective counter before, 3,237; after, 3,338; public counter, 101.

Recount: Protective counter before, 3,237; after, 3,338; public counter, 101; seal number 546.

Mr. KING. 12th precinct, 7th ward. Judge's certificate, Machine No. 4595; protective counter before, 5,281; after, 5,405; public counter, blank; seal number, blank.

Recount: Protective counter before, 5,281; after, 5,405; public counter, 124; seal number, 119 (or 1191).

Mr. KING. 11th precinct, 7th ward. Judge's certificate, Machine No. 4378. The numbers on the certificates—the certificates are blank. Notation on certificate number 3, "that the curtain was sealed with seal number 133, which is no good. Telephoned Election Commissioners and said to let it go and just lock."

Mr. KING. 13th precinct, 7th ward. It is missing. The 14th precinct, 7th ward. Judge's certificate, Machine No. 4386. Protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 3,019; after, 3,120; public counter, 101; seal number 569; new seal number 877.

Mr. KING. 18th precinct, 7th ward. Judge's certificate, Machine No. 4576. Protective counter before, 1,317; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 1,317; after, 1,365; public counter, 48; seal number 575; new seal number 817.

Mr. KING. 19th precinct, 7th ward. Judge's certificate, Machine No. 4566. Protective counter before, 3,300; after, 3,340; public counter, 40; seal number, blank.

Recount: Protective counter before, 3,330; after, 3,340; public counter, 40; seal number, 140.

3190 Mr. KING. 24th precinct, 7th ward. Judge's certificate, Machine No. 4528. Protective counter before, blank; after, 92, with a notation "the machine shows 93 on account of

error in machine being thrown by mistake''; public counter, blank.

Recount: Protective counter before, blank; after, 3,376; public counter, 93; seal number, 569.

Mr. KING. 25th precinct, 7th ward. Judge's certificate, Machine No. 4563. Protective counter before, blank; after, 56; public counter, 56.

Recount: Protective counter before, 3,934; after, 3,990; public counter, 56. "Wax covered seal"; resealed 377.

Mr. KING. 33d precinct, 7th ward. Judge's certificate, Machine No. 4584. Protective counter before, blank; after, 3,514; public counter, 89; seal, blank.

Recount: Protective counter before, 3,425; protective counter after, 3,514; public counter, 89; seal number, 563.

3191 Mr. KING. 35th precinct, 7th ward. Judge's certificate, Machine No. 4586. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,003; after, 3,073; public counter, 70; seal number, 553.

Mr. KING. 36th precinct, 7th ward. Judge's certificate, Machine No. 4583; protective counter before, 3,547; after, 3,707; public counter, 160; seal number, blank.

Recount: Protective counter before, 3,547; after, 3,707; public counter, 160; seal number, 568.

Mr. KING. 39th precinct, 7th ward. Judge's certificate, Machine No. 4366. Protective counter before, blank; after, 3,273; public counter, 52.

Recount: Protective counter before, blank; after, 3,273; public counter, 52; seal number, 868.

Mr. KING. 47th precinct, 7th ward, is missing.

3192 1st precinct, 18th ward, missing.

2d precinct, 18th ward, missing.

6th precinct, 18th ward. Judge's certificate, Machine No. 4789. Protective counter before, blank; after, 3,020; public counter, 108; seal number, 2472.

Recount: Protective counter before, 2,912; after, 3,020; public counter, 108; seal number, 93.

Mr. KING. 8th precinct, 18th ward. Judge's certificate, Machine No. 4663. Protective counter before, 3,107; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,107; after, 3,211; public counter, 104; seal number, 651.

Mr. KING. 11th precinct, 18th ward. Judge's certificate, Machine No. 4662. Protective counter before, blank; after, blank; public counter, 77.

3193 Recount: Protective counter before, 2,953; after, 3,030; public counter, 77; seal number, 642.

Mr. KING. 12th precinct, 18th ward, missing.

13th precinct, 18th ward. Judge's certificate, Machine No. 4666. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,242; after, 3,207; public counter, 65; no seal.

Mr. KING. 16th precinct, 18th ward. Judge's certificate, Machine No. 4718. Protective counter before, blank; after, blank; public counter, 81.

Recount, missing.

3195 Mr. KING. 23d precinct, 18th ward, missing.

24th precinct, 18th ward. Judge's certificate, Machine No. 4731. Protective counter before, 3,067; after, 3,134; public counter, 67; seal number, blank.

Recount: Machine No. 4531 (different number). Protective counter before, 3,067; after, 3,134; public counter, 67; seal number, 656.

Mr. KING. 26th precinct, 18th ward, missing.

27th precinct, 18th ward, Judge's certificate, Machine No. 4759. Protective counter before, blank; after, 32; public counter, 35.

Recount: Protective counter before, 2,985; after, 3,020; public counter, 35; sealed with wax.

3196 Mr. KING. 28th precinct, 18th ward. Judge's certificate, Machine No. 4861. Protective counter before, blank; after, 19; public counter, 19; seal number, blank.

Recount: Protective counter before, 2,872; after, 2,891; public counter, 19; no seal.

Mr. KING. 30th precinct, 18th ward. Machine No. 4717. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,203; after, 3,300; public counter, 97; seal number, 692.

Mr. KING. 33d precinct, 18th ward. Machine No. 4713. Protective counter before, blank; after, blank; public counter, 33.

Recount: Machine No. 4715 (different number). Protective counter before, 3,488; after, 3,521; public counter, 33; seal number, 693.

3197 Mr. KING. 35th precinct, 18th ward. Judge's certificate, Machine No. 4716. Protective counter before, blank; after, blank; public counter, blank; seal number, 111.

Recount: Protective counter before, 3,542; after, 3,609; public counter, 67; seal number, 714.

Mr. KING. 38th precinct, 18th ward. Judge's certificate, Machine No. 4710. Protective counter before, blank; after, 19; public counter, blank.

Recount: Protective counter before, 2,907; after, 2,926; public counter, 19; seal number, 676.

Mr. KING. 40th precinct, 18th ward. Judge's certificate, Machine No. 4806. Protective counter before, 5,084; after, 5,120; public counter, 37; seal number, blank.

Recount: Protective counter before, 4,775; after, 5,120; public counter, 37; seal number, 683.

3198 Mr. KING. 41st precinct, 18th ward. Judge's certificate, Machine No. 4850. Protective counter before, blank; after, 2,835; public counter, 60.

Recount: Machine No. 4150 (different number). Protective counter before, 2,775; after, 2,835; public counter, 60; seal number, 751.

Mr. KING. 43d precinct, 18th ward. Judge's certificate, Machine 4692. Protective counter before, 4,565; after, 4,565; public counter, blank.

Recount: Protective counter before, 4,565; after, 4,599; public counter, 34; seal number, 736.

Mr. KING. 44th precinct, 18th ward. Judge's certificate, Machine No. 4690. Protective counter before, 3,136; after, blank; public counter, blank; seal, blank.

Recount: Protective counter before, 3,136; after, 3,194; public counter, 58; seal number, 787.

Mr. KING. 45th precinct, 18th ward. Machine No. 4688.
3199 Protective counter before, 3,460; after, 3,494; public counter, 34; seal number, blank.

Recount: Protective counter before, 3,460; after, 3,494; public counter, 34; seal number, 644.

Mr. KING. 46th precinct, 18th ward. Judge's certificate, Machine No. 4562. Protective counter before, 3,554; after, 3,629; public counter, 75; seal number, blank.

Recount: Protective counter before, 3,554; after, 3,629; public counter, 75; sealed with wax.

Mr. KING. 49th precinct of 18th ward. Judge's certificate, Machine No. 4695. Protective counter before, 3,179; after, 3,215; public counter, 36; seal number, blank.

Recount: Protective counter before, 3,179; after, 3,215; public counter, 36; seal number, 664.

Mr. KING. 51st precinct, 18th ward. Judge's certifi-

cate, Machine No. 4691. Protective counter before, blank; after, 4,021; public counter, 65.

Recount: Protective counter before, 3,956; after, 4,021; public counter, 65; seal number, 731.

3200 Mr. KING. 52d precinct, 18th ward. Missing.

3d precinct, 21st ward. Missing.

4th precinct, 21st ward. Judge's certificate, Machine No. 4681. Protective counter before, 3,044; after, blank; public counter, blank.

Recount: Protective counter before, 3,153; after, 3,190; public counter, 137; seal number, 938.

Mr. KING. The 5th precinct, 21st ward. Judge's certificate, Machine No. 4801. Protective counter before, 2,745; after, 2,815; public counter, 70; seal number, blank.

Recount: Protective counter before, 2,745; after, 2,815; public counter, 70.

3201 Mr. KING. Precinct 8, of 21st ward. Judge's certificate, Machine No. 4705. Protective counter before, blank; after, 3,330; public counter, blank.

Recount: Protective counter before, 3,240; after, 3,330; public counter, 87; no seal.

Mr. KING. The 9th precinct, 21st ward. Judge's certificate, Machine No. 4592. Protective counter before, 3,104; after, 3,166; public counter, 62; seal number, blank.

Recount: Protective counter before, 3,104; after, 3,166; public counter, 62; seal number, 5963.

Mr. KING. 11th precinct, 21st ward. "Certificates 1, 2 and 3, not filled and not signed by either of the judges."

Recount: Machine No. 4737. Protective counter before, 5,084; after, 5,229; public counter, 145; seal number, 2452.

Mr. KING. 14th precinct, 21st ward. Judge's certificate, Machine No. 3345. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Machine No. 4693. Protective counter before, 3,285; after, 3,357; public counter, 72; seal number, 5842.

3202 Mr. KING. 15th precinct, 21st ward. Judge's certificate, Machine No. 4680. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,484; after, 3,549; public counter, 65; seal number, 2484.

Mr. KING. 18th precinct, 21st ward. Judge's certifi-

cate, Machine No. 4684. Protective counter before, 2,803; after, blank; public counter, blank.

Recount: Protective counter before, 2,803; after, 2,887; public counter, 84; seal number, 5965.

Mr. KING. 20th precinct, 21st ward. Judge's certificate, Machine No. 4772. Protective counter before, 2,773; after, blank; public counter, blank.

3203 Recount: Protective counter before, 2,773; after, 2,844; public counter, 71; seal number, 5969. (Note: This is Machine No. 4472.)

Mr. KING. 21st precinct, 21st ward. Judge's certificate, Machine No. 4685. Protective counter before, blank; after, 167; public counter, 167; seal number, blank.

Recount: Protective counter before, 3,471; after, 3,628; public counter, 167; seal number, 5968.

Mr. KING. 26th precinct, 21st ward. Judge's certificate, Machine No. 4672. Protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 3,377; after, 3,446; public counter, 69; seal number, 2416.

Mr. KING. 27th precinct, 21st ward. Missing. 30th precinct, 21st ward. Judge's certificate, Machine No. 4824. Protective counter before, blank; after, 2,764; public counter, 104; seal number, blank.

3204 Recount: Protective counter before, 2,659; after, 2,764; public counter, 104; seal number, 5991.

Mr. KING. 31st precinct, 21st ward. Judge's certificate, Machine No. 4678. Protective counter before, blank; after, 3,489; public counter, 42; "one spoiled."

Recount: Protective counter before, 3,447; after, 3,489; public counter, 42; seal number, 2450.

Mr. KING. 34th precinct, 21st ward. Judge's certificate, Machine No. 4687. Protective counter before, missing; after, blank; public counter, 60; seal number, blank.

Recount: Protective counter before, 3,473; after, 3,533; public counter, 60; seal number, 2449.

Mr. KING. 35th precinct, 21st ward. Judge's certificate, Machine No. 4765. Protective counter before, 3,023; after, 3,098; public counter, 75; seal number, blank.

Recount: Protective counter before, 2,023; after, 3,098; public counter, 75; seal number, 5970.

3205 Mr. KING. 38th precinct, 21st ward. Judge's certificate, Machine No. 4822. Protective counter before, blank;

after, the word "error;" public counter, the word "error;" seal number, "error."

Recount: Protective counter before, 2,996; after, 3,095; public counter, 99; seal number, 2464.

Mr. KING. 40th precinct, 21st ward. Judge's certificate, Machine No. 4849. Protective counter before, 2,800; after, 2,800; public counter, 109; seal number, blank.

Recount: Protective counter before, 2,691; after, 2,800; public counter, 109; seal number, 5990.

Mr. KING. 41st precinct, 21st ward. Judge's certificate, Machine No. 4857. Protective counter before, blank; after, blank; public counter, 82; seal number, blank.

Recount: Protective counter before, 2,745; after, 2,827; public counter, 82; seal number, 5902.

Mr. KING. Precinct 44, of 21st ward. Judge's certificate, Machine No. 4709. Protective counter before, blank; 3206 after, blank; public counter, blank; seal number, blank.

Recount: Protective counter before, 2,838; after, 2,893; public counter, 55; seal number, 5905.

Mr. KING. 47th precinct, 21st ward. Judge's certificate, Machine No. 4795. Protective counter before, blank; after, 3,039; public counter, 80.

Recount: Protective counter before, 2,959; after, 3,039; public counter, 80; seal number, 5948.

Mr. KING. 2d precinct, 25th ward. Judge's certificate, Machine No. 4441. Protective counter before, blank; after, 4,847; public counter, 145.

Recount: Protective counter before, 2,702; after, 2,847; public counter, 145; seal number, 648.

Mr. KING. 3rd precinct, 25th ward. Judge's certificate, Machine No. 4468. Protective counter before, 3,812; after, 3,928; public counter, 116; seal number, blank.

Recount: Protective counter before, 3,812; after, 3,928; public counter, 116; seal number, 653.

3207 Mr. KING. 6th precinct, 25th ward. Judge's certificate, Machine No. 4484. Protective counter before, blank; after, 75; public counter, 75; seal number, blank.

Recount: Protective counter before, 3,693; after, 3,768; public counter, 75; seal number, 617.

Mr. KING. 7th precinct, 25th ward. Judge's certificate, Machine No. 4459. Protective counter before, blank; (Notation): "On certificate 1, number 13 should be 1," protective counter after, 3,100; public counter, 40.

Recount: Protective counter before, 3,060; after, 3,100; public counter, 40; seal number, 769.

Mr. KING. 8th precinct, 25th ward. Judge's certificate, Machine No. blank; protective counter before, blank; after, blank; public counter, blank; seal number, blank.

Recount: Machine No. 4491. Protective counter before, 3,591; after, 3,730; public counter, 139; seal number, 961.

- 3208 Mr. KING. 18th precinct, 25th ward. Judge's certificate, Machine No. 4372. Protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 3,323; after, 3,479; public counter, 156; seal number, 695.

Mr. KING. 19th precinct, 25th ward. Judge's certificate, Machine No. 4461. Protective counter before, blank; after, 4,060; public counter, 3,939.

Recount: Protective counter before, 3,939; after, 4,060; public counter, 121; seal number, 791.

Mr. KING. 21st precinct, 25th ward.

"Mr. McEWEN. May I ask, when you don't read regarding the seal, do you mean it is blank?"

"Mr. KING. I read it when it is blank. I do not read the number if there is a number."

- 3209 Mr. KING. 21st precinct, 25th ward. Judge's certificate, Machine No. 4458. Seal number, 795; protective counter before, blank; after, 3,353; public counter, 77.

Recount: Protective counter before, 3,276; after, 3,353; public counter, 77; seal number, 695; not sealed.

Mr. KING. 22d precinct, 25th ward. Judge's certificate, Machine No. 471. Seal, blank; protective counter before, 2,964; after, 3,085; public counter, 121.

Recount: Machine No. 4467. (Different machine.) Protective counter before, 2,964; after, 3,085; public counter, 121; seal number, 5997; not sealed.

Mr. KING. 31st precinct, 25th ward. Judge's certificate, Machine No. 4483. Seal, blank; protective counter, before, blank; after, 3,237; public counter, 34.

Recount: Protective counter before, 3,203; after, 3,237; public counter, 34; seal number, 5927.

- 3210 Mr. KING. 32d precinct, 25th ward. Judge's certificate, Machine No. 4486. Seal, blank; protective counter before, 3,787; after, 69; public counter, 3,856.

Recount: Protective counter before, 3,787; after, 3,856; public counter, 69; seal number, 5915, not sealed.

Mr. KING. 33d precinct, 25th ward. Missing.

36th precinct, 25th ward. Judge's certificate, Machine

No. 4496. Seal number, 521; protective counter before, 2,905; after, blank; public counter, blank.

Recount: Protective counter before, 2,905; after, 3,013; public counter, 108; seal number, 723.

- 3211 Mr. KING. 39th precinct, 25th ward. Judge's certificate, Machine No. 4472. Seal, blank; protective counter before, 3,699; after, 3,769; public counter, 70.

Recount: Protective counter before, 3,699; after, 3,769; public counter, 70; seal number, 613, not sealed.

Mr. KING. 40th precinct, 25th ward. Judge's certificate, Machine No. 4465. Seal number, 157; protective counter before, blank; after, 3,280; public counter, 82.

- 3212 Recount: Protective counter before, 3,198; after, 3,280; public counter, 82; seal number, 733.

Mr. KING. 41st precinct, 25th ward. Judge's certificate, Machine No. 4480. Seal number, 884; protective counter before, 3,700; after, blank; public counter, blank.

Recount: Protective counter before, 3,700; after, 3,817; public counter, 117; seal number, 864.

Mr. KING. 43d precinct, 25th ward. Judge's certificate, Machine No. 4494. Seal, blank; protective counter before, 3,617; after, 3,657; public counter, 40.

Recount: Protective counter before, 3,617; after, 3,657; public counter, 40; seal number, 612.

Mr. KING. 1st precinct, 26th ward. Judge's certificate, Machine No. 4437. Seal, blank; protective counter before, 3,639; after, 3,753; public counter, 114.

Recount: Protective counter before, 3,639; after, 3,753; public counter, 114; seal number, 735, not sealed.

- 3213 Mr. KING. Blank precinct, 26th ward. Judge's certificate, Machine No. 4421. Seal, blank; protective counter before, blank; after, 100; public counter, 100.

Recount: Protective counter before, 3,992; after, 4,092; public counter, 100; seal number, 726.

Mr. KING. 5th precinct, 26th ward. Judge's certificate, Machine No. 4436. Seal, 150; protective counter, before, blank; after, notation: "Didn't take this, forgot same." Public counter, 81, "but only 80 cast their votes. Lever pulled back once by mistake."

Recount: Protective counter before, 4,137; after, 4,220; public counter, 83; seal number, 616.

Mr. KING. 8th precinct, 26th ward. Judge's certificate, Machine No. 4433. Seal number, blank; protective counter before, 3,932; after, 4,016; public counter, 84.

Recount: Protective counter before, 3,932; after, 4,016; public counter, 84; seal number, 752.

Mr. KING. 14th precinct, 26th ward. Missing.

- 3214 15th precinct, 26th ward. Judge's certificate, Machine No. 4519. Seal, blank; protective counter, before, 3,009; after, 3,079; public counter, 70.

Recount: Protective counter before, 3,009; after, 3,079; public counter, 70; seal number, 633.

Mr. KING. 23d precinct, 26th ward. Judge's certificate, Machine No. 4439. Seal number, blank; protective counter before, 3,949; after, 4,076; public counter, 127.

Recount: Protective counter before, 3,949; after, 4,076; public counter, 127; seal number, 902.

Mr. KING. 24th precinct, 26th ward. Judge's certificate, Machine No. 4413. Seal, blank; with an erasure; protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 4,845; after, 4,963; public counter, 118; seal number, 782, not sealed.

Mr. KING. 28th precinct, 26th ward. Missing.

- 32d precinct, 26th ward. Judge's certificate, Machine No. 4440. Seal, blank; protective counter before, 4,050; after, 4,191; public counter, 141.

Recount: Protective counter before, 4,050; after, 4,191; public counter, 141; seal number, 619, not sealed.

Mr. KING. 33d precinct, 26th ward. Judge's certificate, Machine No. 4432. Seal, 179; protective counter, before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 3,988; after, 4,095; public counter, 107; seal number, 682, not sealed.

Mr. KING. 37th precinct, 26th ward. Judge's certificate, Machine No. 4447. Seal, blank; protective counter before, 3,362; after, 3,458; public counter, 96.

Recount: Protective counter before, 3,362; after, 3,458; public counter, 96; seal number, 707, not sealed.

Mr. KING. 3d precinct, 31st ward. All certificates blank.

- 3216 Recount: Machine No. 4551. Protective counter before, 3,329; after, 3,357; public counter, 28; seal number, 2422.

Mr. KING. 8th precinct, 31st ward. Judge's certificate, Machine No. 4601. Seal, blank; protective counter before, 3,729; after, 3,799; public counter, 70.

Recount: Protective counter before, 3,729; after, 3,799; public counter, 70; seal number, 5945, not sealed.

Mr. KING. 10th precinct 31st ward. Judge's certifi-

cate, Machine No. 4762; seal, blank; protective counter before, blank; after, public counter, blank.

Recount: Protective counter before, 3,046; after, 3,098; public counter, 52; seal number, 5993.

Mr. KING. 12th precinct, 31st ward. Missing.

13th precinct, 31st ward. Missing.

- 3217 19th precinct, 31st ward. Judge's certificate, Machine No. 4403; seal, blank; protective counter before, 3,746; after, 3,782; public counter, 36.

Recount: Protective counter before, 3,746; after, 3,782; public counter, 36; seal number, 5941.

Mr. King reads notation on certificate number 3, as follows: "18 B 1, 19 B 1, 15 I 2, 43 I 1, 44 I 3, 45 I 2, 47 I 1, 50 I 1, 53 I 1, 54 I 1, 57 I 1, 62 I 1. No candidates in column I."

"Mr. DENEEN. There were no candidates in that column, and yet they were getting votes down there. It was locked."

- 3218 Mr. KING. 20th precinct, 31st ward. Judge's certificate, Machine 4545. "Seal was damaged and could not be used." Protective counter before, blank; after, 3,768; public counter, 89.

Recount: Protective counter before, 3,679; after, 3,768; public counter, 89; no seal.

Mr. KING. 22d precinct, 31st ward. Judge's certificate, Machine No. 4774. Seal number, 2458; protective counter before, blank; after, 3,005; public counter, 42.

Recount: Protective counter before, 2,951; after, 3,005; public counter, 42; seal number, 2458.

Mr. KING. 27th precinct, 31st ward. Judge's certificate, Machine No. 4643. Seal, 5976; protective counter before, blank; after, 3,553; public counter, blank.

Recount: Protective counter before, 3,747; after, 3,553; public counter, 79; seal number, 5,976.

- 3219 Mr. KING. 31st precinct, 31st ward. Judge's certificate, Machine No. 4825. Seal, blank; protective counter before, 3,321; after, 3,321; public counter, 138.

Recount: Protective counter before, 3,183; after, 3,321; public counter, 138; seal number, 2479.

Mr. KING. 34th precinct, 31st ward. Missing.

35th precinct, 31st ward. Judge's certificate, Machine No. 4540. Seal number, 2407; protective counter before, 3287; after, 3348; public counter, 61.

Recount: Protective counter before, 3,287; after, 3,348; public counter, 61; seal number, 2407, not sealed.

632 *Commission Asked No Explanation of Discrepancies.*

3220 Attention is called to a notation showing that votes were registered on lines not used by any party at the election and which lines were supposed to be locked out. If votes are registered below "F" line, the machine was not properly set and the notation should be "61 I 1, 37 D. 1, 12 H 1."

3221 "Mr. McEWEN. I would say that this indicated there was one vote shown on counter I when that machine was inspected by the judges before they started voting. That vote does not show that the line "I" was not locked out.

"Mr. DENEEN. They certified at 8 o'clock the night before that the machine was set right; they examined it then.

"Mr. HOFF. They don't open the machine the night before. The form was gotten up so that if the judges found the counters with a count on them the judges would make a record of it and deduct it at the end of the day."

3223 Mr. KING. 36th precinct, 31st ward. Judge's certificate, Machine No. 4798. Seal number, 586; protective counter before, blank; after, blank; public counter, 143.

Recount: Protective counter before, 2,900; after, 3,043; public counter, 143; seal number, 5949, not sealed.

"Mr. CZARNECKI. The seal number read off by Mr. Muldowney is the number of the seal we found on the machine at the time of the recount. If a new seal was put on we noted it and the number." * * *

3225 "The supposition was that the seal put on by the judges was left on until the State's Attorney contest. The original seals were placed on by the judges in the presence of the clerks, policemen, watchers, and so forth, and the new seals were found on the day the contest by the Commissioners, their clerks and assistants, and representatives of the contestants, Cunnea, Rinaker and Hoyne."

3226 "Mr. McEWEN. Did you ever ask any of the judges or clerks to explain the discrepancy?

"Mr. CZARNECKI. No, sir, we didn't.

"Mr. DENEEN. The election judges knew of these discrepancies?

"Mr. CZARNECKI. They did not until after the recount, and then when we were making an investigation under the various things, we went on until we were asked by Judge Cooper's grand jury to go no further lest we interfere with some of their investigation."

Mr. Czarnecki may have talked over a possible ex-

planation of these discrepancies with somebody in the office.

3227 Something was said about two seals having been sent out where the seals were broken by the judges in handling. The seals cannot be locked a second time.

3228 "The CHAIRMAN. Mr. Czarnecki, as I understand it, the machines, after the election, in the various precincts, are put in these boxes, the same boxes in which they are carried to the precinct?

"Mr. CZARNECKI. Exactly.

"The CHAIRMAN. And the box is locked?

"Mr. CZARNECKI. Locked * * * The seal is already put on the machine by the judges before it is put in the box and locked, and there was no reason for taking the machine out of the box after that."

Mr. KING. 37th precinct, 31st ward. Judge's certificate, Machine No. 4479. Seal, blank; protective counter before, blank; after, 141; public counter, 114.

Recount: Protective counter before, 3,025; after, 3,169; public counter, 144; seal number, 2419.

3230 Mr. KING. Precinct 1, ward 32. Judge's certificate, Machine No. 4661. Seal number, 474; protective counter before, 3,225; after, 3,322; public counter, 77. There is a notation to the effect that "Seal 474 was broken and had to be put on the machine as best it might be."

Recount: Protective counter before, blank; after, 3,322; public counter, 77; seal number, 474.

Mr. KING. 2d precinct, 32d ward. Judge's certificate, Machine No. 4654. Seal, blank; protective counter before, 3,096; after, 3,149; public counter, 53.

Recount: Protective counter before, 3,096; after, 3,149; public counter, 53; seal number, 749.

3231 Mr. KING. 4th precinct, 32d ward. Judge's certificate, Machine No. 4648. Seal, 798; protective counter before, blank; after, 3,558; public counter, 104.

Recount: Protective counter before, 3,454; after, 3,558; public counter, 104; seal, 798.

Mr. KING. 5th precinct, 32d ward. Judge's certificate, Machine No. 4,676. Seal, blank; protective counter before, 2,747; after, 2,836; public counter, 89.

Recount: Protective counter before, 2,747; after, 2,836; public counter, 89; seal number, 957.

Mr. KING. 6th precinct, 32d ward. Judge's certificate, Machine No. 4375. Seal, 635; protective counter before, blank; after, 3,155; public counter, 72.

Recount: Protective counter before, 3,083; after, 3,155; public counter, 72; seal number, 635.

Mr. KING. 8th precinct, 32d ward. Judge's certificate, Machine No. 4655. Seal, 482; protective counter before, 3,655; after, 3,655; public counter, blank.

Recount: Protective counter before, 3,655; after, 3,716; public counter, 61; seal number, 628.

- 3232 Mr. KING. 9th precinct, 32d ward. Judge's certificate, Machine No. 4390. Seal, 890. Protective counter, before, blank; after, blank; public counter, 76.

Recount: Protective counter before, 2,983; after, 3,059; public counter, 76; seal number, 604; not sealed.

Mr. KING. 15th precinct, 32d ward. Judge's certificate, Machine No. 4671. Seal, blank; protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 5,473; after, 5,579; public counter, 106; seal number, 783.

Mr. KING. 18th precinct, 32d ward. Judge's certificate, Machine No. 4757; seal, blank; protective counter before, blank; after, 6,129; public counter, 105.

Recount: Protective counter before, 6,024; after, 6,129; public counter, 105; no seal.

- 3233 Mr. KING. 19th precinct, 32d ward. Judge's certificate, Machine No. 4686. Seal, blank; protective counter before, 5,108; after, blank; public counter, blank.

Recount: Protective counter before, 5,108; after, 5,212; public counter, 104; seal number, 963.

Mr. KING. 20th precinct, 32d ward. Judge's certificate, Machine No. 4637. Seal, 722; protective counter before, blank; after, blank; public counter, 3,231.

Recount: Protective counter before, 3,231; after, 3,332; public counter, 101; seal number, 722.

Mr. KING. 21st precinct, 32d ward. Judge's certificate, Machine No. 4669. Seal, blank; protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 4,801; after, 4,870; public counter, 69; seal number, 976.

Mr. KING. 24th precinct, 32d ward. Judge's certificate, Machine No. 4638. Seal number, 941; protective counter before, 3,861; after, blank; public counter, blank.

Recount: Protective counter before, blank; after, 3,985; public counter, 124; seal number, 941.

Mr. KING. 26th precinct, 32d ward. Certificate number 1, Machine No. 773; certificate number 2, Machine No.

4677. Seal number, 497; protective counter before, blank; after, 4,698; public counter, 90.

Recount: Machine No. 4677. Protective counter before, 4,608; after, 4,698; public counter, 90.

- 3234 Mr. KING. 27th precinct, 32d ward. Judge's certificate, Machine No. 337. Seal, blank; protective counter before, blank; after, blank; public counter, 73.

Recount: Machine No. 4649. Protective counter before, 3,297; after, 3,370; public counter, 73; seal number, 620.

Mr. KING. 28th precinct, 32d ward. Judge's certificate, Machine No. 4650. Seal, 624; protective counter before, 3,637; after, 3,774; public counter, 141.

Recount: Protective counter before, 3,632; after, 3,774; public counter, 142; seal number, 624. Notation: "One registered on public register at the opening of the polls by the judges."

- 3235 Mr. KING. 29th precinct, 32d ward. Judge's certificate, Machine No. not given. Protective counter before, blank; after, 3,141; public counter, 123.

Recount: Machine No. 4655. Protective counter before, 3,018; after, 3,141; public counter, 127; seal, 675.

Mr. KING. 30th precinct, 32d ward. Judge's certificate, Machine No. 4367. Seal number, 485; protective counter before, 3,035; after, 3,162; public counter, 127.

Recount: Protective counter before, 3,035; after, 3,162; public counter, 127; seal number, 645.

Mr. KING. 31st precinct, 32d ward. Judge's certificate, Machine No. 4657. Seal, 622; protective counter before, blank; after, 3,717; public counter, 171.

Recount: Protective counter before, 3,546; after, 3,717; public counter, 171; no seal.

Mr. KING. 33d precinct, 32d ward. Judge's certificate, Machine No. 4659. Seal, blank; protective counter before, 3,187; after, 3,262; public counter, 75. Notation on certificate number 2, "polling place locked up and were unable to find man with key and so did not enter the polling place. (Signed) Miles B. Fernald, A. J. Corbul, J. G. Lynch."

- 3236 Recount: Protective counter before, blank; after, 3,262; public counter, 75; no seal number.

Mr. KING. 36th precinct, 32d ward. Judge's certificate, Machine No. 4505. Seal, blank; protective counter before, 3,535; protective counter after, 3,657; public counter, 122.

Recount: Machine No. 4504. Protective counter before, 3,535; after, 3,657; public counter, 122; seal, 632.

Mr. KING. 38th precinct, 32d ward. Judge's certificate, Machine No. 4558. Seal, blank; protective counter before, blank; after, blank; public counter, blank.

Recount: Protective counter before, 3,428; after, 3,535; public counter, 107; seal number, 627.

3237 Mr. KING. 40th precinct, 32d ward. Judge's certificate, Machine No. 4226. Seal, 694; protective counter before, blank; after, blank; public counter, blank.

Recount: Machine No. 4524. Protective counter before, 4,226; after, 4,227; public counter, 51; seal number, 964.

Mr. KING. 42d precinct, 32d ward. Judge's certificate, Machine No. 4513. Seal, 575; protective counter before, blank; after, 3,158; public counter, 36.

Recount: Protective counter before, blank; after, 3,158; public counter, 36; seal number, 757.

MICHAEL F. McMAHON:

Direct Examination by Mr. Deneen.

3238 Resides at 2834 North Sacramento Avenue. Investigator for John A. Northup. Worked for Rinaker on the recount. On the recount the ballots were first examined and then investigators went over to the warehouse to examine the voting machine record.

3239 The witness took off the figures from the last six voting machines recounted. They were used in the second ward, and made a notation as to the condition of the seals.

The first precinct 32d ward. "Seal not intact, rope tied around." Witness reads from memorandum.

3240 Witness saw the machines taken out of the box for the recount, ten or fifteen at a time, and as they were examined, they were immediately put back into the boxes.

3242 6th precinct, 32d ward. "Seal not intact."

8th precinct, 32d ward. "Seal not intact."

9th precinct, 32d ward. "Seal not intact."

12th precinct, 32d ward. "Seal not in proper place."

3243 14th precinct, 32d ward. "Seal not intact."

16th precinct, 32d ward. "Seal not intact."

17th precinct, 32d ward. "Seal not intact."

18th precinct, 32d ward. "No seal."

23d precinct, 32d ward. "Seal not intact."

25th precinct, 32d ward. "Seal not in proper place."

- 28th precinct, 32d ward. "Seal not in proper place."
30th precinct, 32d ward. "Seal not in proper place."
31st precinct, 32d ward. "Seal not intact."
33d precinct, 32d ward. "No seal."
35th precinct, 32d ward. "Seal not intact."
37th precinct, 32d ward. "Seal not intact."
42d precinct, 32d ward. "Seal not intact."
46th precinct, 32d ward. "Seal not intact."
47th precinct, 32d ward. "Seal not intact."
31st ward. 1st precinct. "Seal not intact."
5th precinct. "Seal not intact."
7th precinct. "Seal not intact."
10th precinct. "Seal not intact."
12th precinct. "Seal not intact."
13th precinct. "No seal."
18th precinct. "No seal."
19th, 20th, 23d, 28th, 30th, 33d, 35th, 36th, 38th. "Seal not intact." 39th, "No seal."
25th ward. 1st precinct. "Seal not intact."
3d precinct. "Seal not intact."
4th precinct. "Seal not intact."
6th precinct. "Not sealed."
8th precinct. "Not sealed."
9th precinct. "Not sealed."
10th precinct. "Seal not intact."
11th precinct. "Seal not intact."
3245 13th precinct. "Not sealed."
14th precinct. "Not sealed."
16th, 17th, 18th, 19th, 21st, 22d. "Seal not intact."
26th. "Sealed with wire."
29th. "Seal not intact."
30th. "Not sealed."
32d. "Seal not intact."
37th. "Not sealed."
39th. "Not sealed."
42d. "Not sealed."
26th ward. 1st, 5th, 6th. "Seal not intact."
9th. "Not sealed."
10th, 11th, 20th, 22d, 24th, 29th, 32d, 33d, 34th, 36th,
37th. "Seal not intact."
38th. "Seal not intact."
39th. "Not sealed; tied with string."
3246 22d ward. 8th precinct no seal found.
12th. "Seal broken and wired."
17th, 23d, 26th, 48th. "Seal not intact."

- 3247 18th ward. 1st, 4th, 6th, 9th, 12th. "Seal not intact."
13th. "Not sealed; broken; rope on top."
16th. "Seal not intact."
26th. "Seal broken."
28th. "No seal found."
31st, 40th, 49th. "Seal not intact."
50th. "No seal found."
52d. "Seal not intact."

Cross-Examination by Mr. McEwen.

- 3250 Witness' attention is called to certain erasures on his memorandum, and says he sometimes compared memorandums with the Socialist investigator, and one or two mistakes might have been corrected in this way.
- 3251 Witness never compared his figures taken off at the time of the recount, with the figures as returned by the judges and clerks of election. His figures are those called up by Mr. Czarnecki and others from the voting machine at the time of the recount.
- 3252 After making his memorandum witness took it over to Mr. Ayer's office and left it there where they have remained ever since.
- 3254 Witness does not know whether the figures he took from the voting machines have ever been compared with the returns of the judges and clerks of election.
- Witness produces his memorandum relating to wards 1, 6, 18, 21, 31, 32, 25 and 26.
- 3256 Mr. McEwen contends that the whole memorandum should be read into evidence. Mr. Deneen, that it is put in to show the condition of the seals only, and should be limited to that purpose; and for that reason the whole memorandum is not admissible; that information was furnished by the courtesy of Mr. Northup and only for the purpose stated.
- 3261 Mr. McEwen contends that he is entitled to have read into the record the figures of the recount taken as shown by the memorandum used by the witness.
- 3265 Examined by Mr. McEwen, the witness says he could not have testified from memory without reference to his memorandum.

(A motion is here made by Mr. McEwen to strike out all the testimony of the witness concerning the condition of the seals and all matters testified to by the witness from memoranda.)

VOLUME XXIX.

Morning Session.
Friday, April 24, 1914.

J. J. MULDOWNEY:

Direct Examination by Mr. Deneen.

- 3269 The record of the recount shows in the 3d precinct of the 1st ward, no seal. 2433 is the new seal.
11th precinct, 1st ward. Seal number 899.
5th precinct, 2d ward. Seal number was 837. New seal put on, 5995.
- 3270 44th precinct, 6th ward, no seal; resealed, 853. 14th precinct, 6th ward, seal was 2421; new seal put on, 888.
45th precinct, 7th ward; seal number, 545, broken; new seal, 856.
37th precinct, 7th ward; "It is hard to tell the number of the seal." "There was no vote cast on the machine."
15th precinct, 7th ward; seal number 544, broken; new seal, 939.
- 3271 The rule was that the judges should put on the seals shown in their certificates when the machine was closed after election. Witness does not know whether the judges did this or not.
- 3272 2d precinct, 7th ward, no seal; new seal, 908.
13th precinct, 7th ward, no voting on machine.
14th precinct, 7th ward; seal number, 569; new seal, 877.
25th precinct, 7th ward, wax covered seal; resealed, 15377.
39th precinct, 7th ward, sealed with wax; resealed, 868.
No cross-examination.

LAWRENCE F. KING, recalled.

Further Direct Examination by Mr. Deneen.

- 3273 Witness testifies that the poll books he has produced are those returned by the judges and clerks of election showing the machine number, the number of protective counters, and so forth.
Mr. KING. 2d precinct, 1st ward. Machine No., blank; protective counter, blank; public counter, blank.

- 3d precinct, 1st ward. Machine No. 4723; protective counter, blank.
- 3277 5th precinct, 2d ward. Protective counter, blank.
7th precinct. Precinct number, blank; ward, blank; voting machine number, blank; "was," blank; protective counter, blank.
(Note: The word "was" means protective counter before.)
- 3278 9th precinct, 1st ward. Voting machine number, blank; "was," blank; protective counter, blank.
10th precinct, 1st ward. Machine No., blank; "was," blank; protective counter before, no signature.
13th precinct, 1st ward. Machine No., blank; "was," blank; protective counter, blank.
- 3279 20th precinct, 1st ward. Machine No., blank; "was," blank; protective counter, blank; signed by all judges and clerks. This was the precinct where the 20 votes were cast on the machine, when it recorded but one.
21st precinct, 1st ward. Machine No., blank; "was" blank; protective counter, blank; no signature.
22d precinct, 1st ward. Machine No., blank; "was" blank; protective counter, blank.
26th precinct, 1st ward. Machine No., blank; "was" blank; protective counter, blank.
27th precinct, 1st ward. Machine No. 2698; "was" 8; protective counter, 11; in one of the books. In the other, Machine No. 2698, "was" 11; protective counter, "was" 8.
30th precinct, 1st ward. Machine No. 4749; "was" blank; protective counter, blank.
31st precinct, 1st ward. Machine No. 4833; "was" zero; protective counter, 2,785.
32d precinct, 1st ward. Machine No., blank; "was" blank; protective counter, blank.
33d precinct, 1st ward. Machine No. 4818; "was" blank; protective counter, blank.
34th precinct, 1st ward. Machine No. erased; "was" blank; protective counter, blank.
- 3281 35th precinct, 1st ward. Machine No. 4751; "was" 76; protective counter, blank.
39th precinct, Machine No. 4755; "was" blank; protective counter, blank.
40th precinct, 1st ward. Machine No. 4815; "was" blank; protective counter, blank.

- 42d precinct, 1st ward. Machine No., blank; "was" blank; protective counter, blank.
- 2d ward, 3d precinct. Machine No., blank; "was" blank; protective counter, blank.
- 6th precinct, 2d ward. Machine No., blank; "was" blank; protective counter, blank.
- 3282 The WITNESS. "Was" means protective counter.
- 7th precinct, 2d ward. Machine No., blank; "was" blank; protective counter, blank.
- 8th precinct, 2d ward. Machine No., blank; "was" blank; protective counter, blank.
- 9th precinct, 2d ward. Machine No., blank; "was" blank; protective counter, blank.
- 12th precinct, 2d ward. Machine No. 4525; "was" blank; protective counter was 3,246; on one book, blank on the other.
- 18th precinct, 2d ward. Precinct number, blank; ward number, blank; Machine No., blank; "was" blank.
- 27th precinct, 2d ward. Machine No., blank; "was" blank; protective counter, blank.
- 3283 31st precinct, 2d ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 32d precinct, 2d ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 35th precinct, 2d ward. Machine No. 4508; "was," 31; protective counter, blank.
- 38th precinct, 2d ward. Machine number, blank; "was," blank; protective counter, blank.
- 40th precinct, 2d ward. Machine number, in one book, 120; "was," 16 in one book, and blank in the other; protective counter, blank.
- 43d precinct, 2d ward. Machine number, blank; "was," blank; protective counter, blank.
- 3284 45th precinct, 2d ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 47th precinct, 2d ward. Machine No. 4602; "was," 29; protective counter, blank.
- 48th precinct, 2d ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 50th precinct, 2d ward. Machine No. 4539; "was," blank; protective counter, blank.

- 51st precinct, 2d ward. Machine No. 4537; "was," blank; protective counter, 4,886.
- 3285 6th ward, 5th precinct. Machine No. 4634; "was," blank; protective counter, blank.
- 6th precinct, 6th ward. Machine No. 4373; "was," 64 in one book; blank in the other; protective counter, blank.
- 8th precinct, 6th ward. Machine No., blank; "was," blank; protective counter, blank.
- 9th precinct, 6th ward. Machine No., blank; "was," blank; protective counter, blank.
- 11th precinct, 6th ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 12th precinct, 6th ward. Machine No. 4396; "was," blank; protective counter, blank.
- 3286 15th precinct, 6th ward. Machine No., blank; "was," blank; protective counter, blank.
- 19th precinct, 6th ward. Machine No., blank; "was," blank; protective counter, blank.
- 20th precinct, 6th ward. Precinct number, blank; ward number, blank; machine number, blank; "was," blank; protective counter, blank.
- 21st precinct, 6th ward. Machine No. 4495; "was," blank; protective counter, blank.
- 22d precinct, 6th ward. Machine No. 4499; "was," nothing; protective counter was 56.
- 29th precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 3287 32d precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 35th precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 39th precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 40th precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 42d precinct, 6th ward. Machine number, blank; "was," blank; protective counter, blank.
- 44th precinct, 6th ward. Machine No. 4594; "was," blank; protective counter, blank.
- 3288 7th ward, 2d precinct. Machine number, blank; "was," blank; protective counter, blank.
- 3d precinct, 7th ward. Machine No. 4632; "was,"

- “none;” protective counter in one book, the word “none,” the other, blank.
- 5th precinct, 7th ward. Machine No. 4463; “was,” 2656; protective counter, blank.
- 7th precinct, 7th ward. Machine No., blank; “was,” blank; protective counter, blank.
- 10th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 12th precinct, 7th ward. Machine No. 4595; “was,” blank; protective counter, blank.
- 3289 13th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 14th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 16th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 17th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 18th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 19th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 3290 20th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 22d precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 24th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 25th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 26th precinct, 7th ward. Machine No. 4596; “was,” blank in one book; “was,” 4 in other book; protective counter, blank.
- 3291 27th precinct, 7th ward. Machine No. 4368; “was,” blank; protective counter, blank.
- 33d precinct, 7th ward. Machine No. 4584; “was,” 3425; protective counter, blank.
- 35th precinct, 7th ward. Machine number, blank; “was,” blank; protective counter, blank.
- 36th precinct, 7th ward. Machine No. 4583; “was,” 3547; protective counter, blank.
- 39th precinct, 7th ward. Machine No. 4366; “was,” 3273; protective counter, blank.
- 18th ward, 10th precinct. Machine number, blank; “was,” blank; protective counter, blank.

- 3292 11th precinct, 18th ward. Machine No. 4662; "was,"
77; protective counter, blank.
12th precinct, 18th ward. Machine number, blank;
"was," blank; protective counter, blank.
17th precinct, 18th ward. Machine number, blank;
"was," blank; protective counter, blank.
21st ward, 2d precinct. Machine number, blank;
"was," blank; protective counter, blank.
3d precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
- 3293 5th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
6th precinct, 21st ward. Machine No. 4700; "was,"
blank; protective counter, blank.
8th precinct, 21st ward. Machine number, blank;
"was," 3243; protective counter, blank.
11th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
13th precinct, 21st ward. Machine No. 122; "was,"
3,084; protective counter, blank.
14th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
- 3294 15th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
17th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
18th precinct, 21st ward. Machine No. 4684; "was,"
blank; protective counter, blank.
19th precinct, 21st ward. Machine No. 4859; "was,"
45; protective counter, blank.
21st precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
- 3295 22d precinct, 21st ward. Machine No. 4701; "was,"
blank; protective counter, 3130.
23d precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
24th precinct, 21st ward. Machine number, 4821;
"was," blank; protective counter, blank.
25th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
26th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.
29th precinct, 21st ward. Machine number, blank;
"was," blank; protective counter, blank.

- 3296 31st precinct, 21st ward. Machine No. 4678; "was," blank; "one spoil;" protective counter, 3,489.
32d precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
33d precinct, 21st ward. Machine No. 4846; "was," blank; protective counter, blank.
34th precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
35th precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
- 3297 37th precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
38th precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
40th precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
41st precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
42d precinct, 21st ward. Machine number, blank; "was," blank; protective counter, blank.
44th precinct, 21st ward. Machine number, blank; "was," blank; in one book; 52, in the other; protective counter blank in one book, and 2,840 in the other.
- 3298 49th precinct, 21st ward. Machine No. 50; "was," blank; protective counter, 2,997.
25th ward. 2d precinct. Machine number, blank; "was," blank; protective counter, blank.
3d precinct, 25th ward. Machine No. 4468; "was," 116; protective counter, blank.
6th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
8th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
10th precinct, 25th ward. Machine No. 4452; "was," blank; protective counter, blank.
- 3299 11th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
12th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
18th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
19th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
22d precinct, 25th ward. Machine No. 471; "was," 121; protective counter, blank.

- 23d precinct, 25th ward. Machine No. 4644; "was," blank; protective counter, in one book, 3,370; blank in the other.
- 3300 25th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
- 27th precinct, 25th ward. Machine No. 4481; "was," 3,158; protective counter, 3,281.
- 30th precinct, 25th ward. Machine No. 4470; "was," 4,039; protective counter, 4,058.
- 32d precinct, 25th ward. Machine No. 4486; "was," 3,787; protective counter, blank.
- 33d precinct, 25th ward. Machine No. 4473; "was," zero; protective counter, 3,730.
- 34th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
- 3301 37th precinct, 25th ward. Machine number, blank; "was," blank; protective counter, blank.
- 38th precinct, 25th ward. Machine No. 4477; "was," blank; protective counter, blank.
- 26th ward, 1st precinct. Machine number, blank; "was," blank; protective counter, 3,639.
- 3d precinct, 26th ward. Machine No. 4421; "was," blank; protective counter, blank.
- 5th precinct, 26th ward. Machine No. 4436; "was," 80; protective counter, blank. Notation, "Machine showed 81, but only 80 voted. Lever thrown once by mistake. Forgot to enter this."
- 3303 12th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 13th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 15th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 17th precinct, 26th ward. Machine No. 4429; "was," blank; protective counter, 6,286.
- 18th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 21st precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 22d precinct, 26th ward. Machine number, 4420; "was," blank; protective counter, blank.
- 26th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.
- 28th precinct, 26th ward. Machine number, blank; "was," blank; protective counter, blank.

- 3304 29th precinct, 26th ward. Machine number, blank;
 "was," blank; protective counter, blank.
 30th precinct, 26th ward. Machine No. 4444; "was,"
 blank; protective counter, blank.
 38th precinct, 26th ward. Machine number, blank;
 "was," blank; protective counter, blank.
 31st ward, 4th precinct. Machine No. 4852; "was,"
 blank; protective counter, blank.
 8th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 10th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 13th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
- 3305 14th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 16th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 25th precinct, 31st ward. Machine No. 4560; "was,"
 blank; protective counter, blank.
 27th precinct, 31st ward. Machine No. 4643; "was,"
 blank; protective counter, blank.
 30th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 31st precinct, 31st ward. Machine No. 4825; "was,"
 blank; in one book; 403 in the other; protective counter,
 blank.
 34th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
- 3306 37th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 40th precinct, 31st ward. Machine number, blank;
 "was," blank; protective counter, blank.
 32d ward, 2d precinct. Machine No. 4654; "was,"
 blank; protective counter, 3,096.
 3d precinct, 32d ward. Machine No. 4645; "was,"
 blank; protective counter, blank.
 7th precinct, 32d ward. Machine number, blank;
 "was," blank; protective counter, blank.
 8th precinct, 32d ward. Machine number, blank;
 "was," blank; protective counter, blank.
 11th precinct, 32d ward. Machine No. 4647; "was,"
 blank; protective counter, blank.
- 3307 12th precinct, 32d ward. Machine number, blank;
 "was," blank; protective counter, blank.

- 13th precinct, 32d ward. Machine No. 4652; "was,"
41; protective counter, 255.
- 14th precinct, 32d ward. Machine No. 4419; "was,"
73; protective counter, blank.
- 15th precinct, 32d ward. Machine No. 4671; "was,"
106; protective counter, blank.
- 18th precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 21st precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 23rd precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 25th precinct, 32d ward. Machine No. 4640; "was,"
blank; protective counter, blank.
- 3308 27th precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 28th precinct, 32d ward. Machine No. 4650; "was,"
367; protective counter, 3,774.
- 29th precinct, 32d ward. Machine number, blank;
"was," 123; protective counter, 3,141.
- 30th precinct, 32d ward. Machine No. 127; "was,"
3,035; protective counter, 3,162.
- 31st precinct, 32d ward. Machine No. 171; "was,"
3,717; protective counter, blank.
- 32d precinct, 32d ward. Machine No. 145; "was,"
3,335; protective counter, blank.
- 35th precinct, 32d ward. Machine No. 4656; "was,"
blank; protective counter, 133.
- 3309 37th precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 38th precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 39th precinct, 32d ward. Machine No. 111; "was,"
3,242; protective counter, blank.
- 40th precinct, 32d ward. Machine number, blank;
"was," blank; protective counter, blank.
- 42d precinct, 32d ward. Machine No. 4513; "was,"
blank; protective counter, 3,122.
- 43d precinct, 32d ward. Machine No. 4379; "was,"
blank; protective counter, blank.
- 45th precinct, 32d ward. Machine No. 4517; "was,"
blank; protective counter, blank.

3312

Cross-Examination by Mr. McEwen.

18th ward, 1st precinct. Machine number, blank; "was," blank; protective counter, blank.

2d precinct, 18th ward. Machine No. 807; "was," the word "none;" protective counter, 2,800.

9th precinct, 18th ward. Machine No. 4808; "was," blank; protective counter, 2,901.

3313 22d precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

26th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

28th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

30th precinct, 18th ward. Machine No. 4717; in one book; in the other, blank; "was," blank; protective counter, blank.

31st precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

35th precinct, 18th ward. Machine No., in one book, 4716; in the other, blank; "was," blank; protective counter, blank.

3314 36th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

37th precinct, 18th ward. Machine No. 3677 B; the other, blank; "was," blank; protective counter, blank.

38th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

39th precinct, 18th ward. Machine No. 708; "was," blank; protective counter, blank.

41st precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

42d precinct, 18th ward. Machine No. 4732; "was," blank; protective counter, 4,151.

43d precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

44th precinct, 18th ward. Machine No. 4690; "was," blank; protective counter, blank.

46th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

47th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.

48th precinct, 18th ward. Machine No. 4707; "was," blank; protective counter, blank.

- 50th precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.
- 51st precinct, 18th ward. Machine number, blank; "was," blank; protective counter, blank.
- 53d precinct, 18th ward. Machine No. 4694; "was," blank; protective counter, 3,145.
- 3316 The records produced by the witness are election records received by the witness as custodian for the Election Commissioners of the city of Chicago as the records involved in the State's Attorney recount.
- 3317 Witness has produced these records in response to an order entered by Judge Baldwin.

JOSEPH F. CLEARY.

Direct Examination by Mr. McEwen.

- 3318 Resides at 1922 South Ridgeway avenue. Witness is an electrician and a member of Local 134, International Brotherhood of Electrical Workers.
- Local 134 has conducted its elections the last seven years with voting machines, using the Columbia first, and for the last two years the Empire voting machine.
- 3319 At their election of 1913, 1,535 voted on the machine between 11 in the morning, and 7 in the evening. There were about 100 candidates for 22 offices.
- In 1912, about 100 less voters voted for twice this number of candidates between the same hours.
- 3320 There was no complaint regarding the operation of the voting machine.

3321 *Cross-Examination by Mr. Deneen.*

Before voting three hours were spent in inspecting the voting machine and a count was taken off immediately after the voting closed, when the machines were again inspected.

RICHARD A. SHIELDS.

Direct Examination by Mr. McEwen.

3323 Resides at 484 South Schofield avenue, Oak Park. Witness is an electrician. Financial secretary of Local Electricians' Union.

They have used the Empire voting machines at their elections for the last two years. Empire machines which they got from the city. They formerly had used the Columbia voting machine.

3324 They examined the machines before the election and found them to be all right, and no complaint was made unless the voter tried to vote for more than the proper number of candidates..

1,300 voters voted on the machine between 11 and 7.

3325 *Cross-Examination by Mr. Deneen.*

A committee examined the machine before election to see that the machine was not fraudulently adjusted.

Electrical workers are all more or less mechanics. A check was kept on the persons voting by checking them off on the register. Other unions used the voting machine.

3327 MARTHA E. ABT.

Direct Examination by Mr. McEwen.

Resides at 5301 Indiana avenue. Chairman of the Washington Park Civic League.

Witness came to the Election Commissioners' office and learned how to use the voting machine and taught women voters how to use it.

A machine for instruction purposes was sent to her by the Election Commissioners to 4949 Indiana avenue, the Civic Training School for Home and Foreign Missions, and was kept there from November to just before February primaries.

3328 No complaint was made about the working of the machine by anybody.

3330 The witness was Progressive judge of election in the 26th precinct of the 26th ward.

Cross-Examination by Mr. Deneen.

Witness was recommended for appointment as judge of election by Harry F. Porter, acting chairman of the 6th ward. Her services were voluntary.

3331 Women voters sometimes watched the counters at the back while other women voters were voting.

3333 Witness never saw a voting machine worked on election day but had recommended that voting machines be used at the elections of the Civic League which had a membership of 2,300.

FRANK MURPHY.

Direct Examination by Mr. McEwen.

Resides at 712 Waveland avenue.

Witness is contract clerk for the Department of Public Works, City of Chicago, for 17 years, and is familiar with the practice of letting public contracts in regard to the time stated in advertisements for letting the same.

Ten days' advertisement is required by the ordinances of the City of Chicago. In case of large contracts, such as building a tunnel, the City Hall, and so forth, the Department of Public Works may allow 21 days; but not to exceed 30 days.

3335 *Cross-Examination by Mr. Deneen.*

Models are in some cases required to be furnished by the bidders. A model of a building like the City Hall would require more than 30 days.

3337 If a voting machine were entirely new and never had been in existence, 10 days' time would not be enough and certainly more time would not harm the city's interests. If the time is too short it would harm the city's interests.

Before letting the tunnel contract, the city got all the figures that could possibly be gotten by people in that line of work, and after that 21 days was enough. Nobody complained it was too short a time.

3338 *Re-Direct Examination by Mr. McEwen.*

Ten days would be enough time in an advertisement for the purpose of a patent article where the model was already in existence or in stock and it was only a question of being able to deliver.

3339 Where complaints were made that the time is too short, we usually extend the time. "No extension I know of has exceeded 30 days."

3339-40 *Re-Cross-Examination by Mr. Deneen.*

Where the voting machine was already selected it was only a question of making a larger one, changing from a 70 to an 88-key, for instance, ten days would be enough; but if the advertisement was for voting machines generally, and there was nothing else to go by, ten days would not be enough.

In answer to a question of Senator Landee's, witness says he does not think a machine provided with a device for voting a cumulative vote on members of the general assembly could be invented in ten days.

3341 The city's advertisement usually asks for something that will comply with the law and the specifications made by the department, and anybody can bid on them and does so on his own responsibility.

3342 Bids are not advertised for before the City Council has made an appropriation for the purpose.

For the Department of Public Works the statutes provide how the contracts can be let. The Department follows the statutes.

CUSTER L. HAMPTON.

Direct Examination by Mr. McEwen.

3343 Resides at 2724 Indiana avenue. Is an electrician and business agent of the Electrical Workers' Union of the city.

3344 Witness has attended elections of the union; the union has used voting machines in their elections and they have been very satisfactory.

Most electricians are more or less mechanics. The voting machines used have been tested and inspected.

The elections were strenuous and everybody was watchful of the voting and the results.

3345 *Cross-Examination by Mr. Deneen.*

The voting machine used was examined the day previous to the election, just before the election began, and after the voting closed.

WILLIAM FISHER.

Direct Examination by Mr. McEwen.

3347 Resides at 5466 Kenwood avenue.

Witness is secretary of the Stationary Firemen's Union; has been a member since 1901.

The elections of the union are held now every year, formerly every six months, and voting machines have been used in these elections; the first time in December, 1907. Witness does not remember the name of the machine.

3348 At the elections of 1912 and 1913 the union secured a voting machine from the Election Commissioners, the Empire.

The union usually casts about 400 or 500 votes and voting all day, from 8 o'clock A. M. to 8 o'clock P. M.

3349 The votes are cast for president, vice-president, recording secretary, financial secretary, treasurer, 7 trustees, business agent, and guardian.

The members are all satisfied with the use of voting machines; they are more or less mechanics and understand machinery.

3350 *Cross-Examination by Mr. Deneen.*

Anybody, whether a mechanic or not, should be able to vote on a machine.

Before, during and after elections the voting machines used are examined by the witness and his associates as to its condition.

3352 WILLIAM B. CASSIDY.

Direct Examination by Mr. Deneen.

Witness resides at 4900 Indiana avenue. Witness is clerk of the Board of Trustees of the Municipal Pension Fund, the officials of which are elected by the municipal employees of the City of Chicago.

3353 Last October the Empire Voting Machine was used at their election. It was secured from the Election Commissioner,—Mr. Stuart,—and the election was held in the Election Commissioners' office.

Two candidates' names were on the machine. 466 votes were cast for these candidates by numbers and the voting machine registered only 432.

An account of this was published in the newspapers at the time.

3354 *Cross-Examination by Mr. McEwen.*

Witness did not examine the public counter or protective counter of the voting machine, nor the counters for any candidate.

Witness was present in the room at the time of voting.

Mr. Harry E. Wallace and Mr. Bernard McMahon, trustees, examined the machines and made a certificate.

3356 The persons who voted on the machine the day of election were all who were eligible on the September payroll and who had made application to participate.

3357 The witness did not vote, is not eligible, and had nothing to do with the election, except as clerk of the board.

3358 The witness got up all the records as to who were eligible, and so forth, and was present all day at the time and place of the election; giving out copies of the law, and so forth, and helped check off the names of members who applied for a voting card.

The Election Commissioners' office furnished the judges and clerks of election.

3359 About 1,700 votes were cast; about one-fourth were machine votes and the rest were ballots.

LAWRENCE F. KING resumes the stand.

Cross-Examination by Mr. McEwen.

3360 The witness produces tally-sheets made by the judges and clerks of election in voting machine precincts.

3361 One of these is returned to the City Clerk, the other to the Election Commissioners; the same as to paper ballot tally-sheets.

In machine precincts there are also two "statements of votes," one returned to the Comptroller and one to the City Clerk.

The witness secured "statement for use in voting machine precincts" from the Election Commissioners' office.

3362 The witness also got "statements" from the County Clerk and tally-sheets from the City Clerk.

Mr. McEwen offers to read into the record from the reports of votes of voting machines, and also from the tabulation of votes of recount which have been produced here, the votes on the State's Attorney.

Mr. Deneen objects on the ground that these reports have been offered only as to the protective counters before and after, the public counter and seals, and that the integrity of the report of the actual vote cast has been attacked in two precincts only, the 20th and 24th precincts of the 1st ward.

3376 "The CHAIRMAN (To Mr. McEwen). Do you want to take the returns from the machine from the various precincts on the Prosecuting Attorney to show that the recount, when the machine was opened, to show that they were the same?

"Mr. McEWEN. Yes.

3380 "Mr. DENEEN. According to the Judge's theory of the case—if the judges and clerks wanted to make a false return and someone who had custody of the machine at the warehouse breaks the seal and someone who guards the vault takes the key and locks the machine and makes it conform to the fraudulent return, there is no redress, because the machine agrees with the return. . . .

3382 "We have not attacked the machine on that theory, but on the opportunity shown here for fraudulent manipulation. The position taken is that the machine's in-

tegrity depends on one man; that man is the custodian. The machine might have been fixed beforehand."

The matter was allowed to stand in abeyance until the hearing of the following witness.

H. E. WALLACE:

Direct Examination by Mr. Deneen.

3399 Witness resides at 2120 Gladys avenue. He is senior clerk of the Bureau of Streets, and is a trustee of the Municipal Pension Fund.

The Municipal Pension Fund organization held its last election September 20, 1913, at the office of the Election Commissioners in Chicago, and used the Empire voting machine secured from the Election Commissioners.

3400 The machine used was set by Mr. Muldowney of the Election Commissioners' office; the witness did not personally take the count off the machine after the election.

3401 This was done by the clerk of the Pension Board, Mr. Cassidy. Witness was there while the figures were being read.

The figures read were not in harmony with what was shown by the protective counter of the machine. Witness read these counters both morning and night.

3402 The number of voters and the number shown by the machine did not agree.

The figures as taken off the machine agreed with the figures shown on the machine. Mr. McMahon has the figures. (Witness withdrawn.)

BERNARD MCMAHON:

Direct Examination by Mr. Deneen.

3404 Witness resides at 4637 Calumet avenue. Is bookkeeper in the City Collector's office and trustee of the Municipal Pension Fund.

At the last election three voting machines were used. Mr. Muldowney of the Election Commissioners' office fixed the machines in the morning for the election.

3405 The witness looked at the numbers on the machines before voting began and afterwards, and made a record

of what he saw. It is the official record of the Municipal Pension Fund.

The number of men voting on the machine compared with the number of cards.

Mr. McEwen objects to the witness reading from documents produced by the witness on the ground that he did not make them.

3408 There were about 450 or 460 votes cast on the machine; about 30 or 35 votes failed to register.

Mr. Muldowney, when asked about this, said that they did not pull the switch back far enough.

3409 *Cross-Examination by Mr. McEwen.*

All three machines used in the election were wrong.

3410 The witness took a record of what the machine showed in the morning before the election started, read the figures himself and made a record of them.

CARLTON R. DART:

Direct Examination by Mr. McEwen.

3411 Witness resides in Wilmette and is bridge engineer for the Sanitary District of Chicago. He is familiar with the advertising for bids by the district.

3412 Bids are required to be filed within ten days to thirty or possibly forty days in extreme cases.

The class of work, bridge and canal construction work in the mechanical department, contracts run up to \$500,000.

Cross-Examination by Mr. Deneen.

The law fixes the time for advertisements. Ten days is the minimum limit, with no maximum fixed.

3413 The largest contracts for canal work are for scooping out dirt and stone at so much per yard.

Bridges are "made from plans we prepare, and we are not bound to accept bids, but may relet contracts."

The witness cannot state how long a time should be given a man to file bids on a voting machine contract. Has no knowledge on the subject and no judgment upon it.

3414 *Re-direct Examination by Mr. McEwen.*

The witness would not express an opinion as to the time required for bidding on a 70-key machine of which a 50-key type was already in existence, because many machines increase in complexity as they increase in size.

3415 Big contracts have been let to parties who have never built a bridge across the Chicago River or a bridge "of that character."

Re-cross Examination by Mr. Deneen.

The Sanitary District advertisement did not require builders of bridges to present a model with their bids.

3416 Complete plans of bridges are furnished by the Sanitary District to bidders and they have to build according to such plans.

W. H. CLARK :

Direct Examination by Mr. McEwen.

3417 Witness resides at the Keystone Hotel, 31st and State street. Is a clerk in the Board of Election Commissioners' office.

"Mr. McEWEN. I have procured certified copies of advertisements from the officials at Springfield having charge of the records, and have asked Mr. Clark to tabulate the results. He will give the effect of the certificates."

The witness is asked to give his summary of the certified copies.

Objections made and sustained.

3418 Thereupon the certified copies, seven in number, are offered in evidence, as follows:

3419 Exhibit 1. Advertisement by the State Board of Administration, dated February 7, 1912, for bids for the erection of a hospital building, bids to be filed by March 11, 1912. Plans and specifications to be furnished by the State architect.

3420 Exhibit 2. Advertisement by the Board of Administration, dated October 21, 1911, for the erection of a kitchen and bakery building at the St. Charles School for Boys; bids to be filed by November 20th. State architect to furnish plans and specifications.

- 3421 Exhibit 3. Advertisement by the Board of Administration, dated July 1, 1913, for bids to furnish quarterly supplies, such as agricultural implements, bedding, bran, shorts, butterine, building materials, clothing, dry goods, groceries and so forth, for State charitable institutions; bids to be filed by July 14, 1913.
- 3424 Exhibit 4. Advertisement by the Board of Administration, dated January 1, 1910, for bids to furnish miscellaneous supplies for same institutions; bids to be filed by January 13, 1910.
- 3426 Exhibit 5. Advertisement by State Board of Administration, dated April 8, 1910, for bids to furnish miscellaneous supplies similar to the last, for 17 State charitable institutions; bids to be filed by April 21, 1910.
- 3428 Exhibit 6. Advertisement by State Board of Administration, dated July 1, 1910, for bids to furnish miscellaneous articles, materials, supplies, etc., to same institutions, bids to be filed by July 18, 1910.
- 3430 Exhibit 7. Advertisement by State Board of Administration, dated October 1, 1910, for bids to furnish miscellaneous supplies, materials, etc., to same institutions, bids to be filed October 17, 1910.
- 3433 "Mr. McEWEN. The supplies advertised for are such as can be bought in the market in a day's time.

Mr. Deneen objects to the receiving of the advertisements in evidence, because their conditions are not similar to those for voting machines. On the advertisements offered the specifications are furnished by the advertiser. In the voting machine matter both specifications and models are to be furnished by the bidders.

This objection is not passed upon by the Committee.

VOLUME XXX.

Afternoon Session.
Monday, April 27, 1914.

WILLIAM M. SPENCER:

Direct Examination by Mr. McEwen.

- 3438 Witness resides at Indianapolis, Indiana. Witness is attorney at law and a member of the House of Representatives, State of Indiana. Is Election Commissioner for

Marion County, and for the City of Indianapolis, Indiana. Is a Democrat.

3439 Has had experience in voting machines and was connected with a voting machine company, the National, which made one full-sized voting machine, but did not engage in the manufacture of voting machines.

Witness was president of the company, and also attorney, and looked after the management of its business.

3440 Witness had also to do with the patent litigation and understood the mechanical features of a voting machine.

Indiana passed a voting machine law in 1899, and in 1904 Marion County purchased 10 voting machines as a trial order. They were United States Standard voting machines.

Testimony relating to United States Standard voting machines is objected to by Mr. Deneen.

3440½ Marion County purchased 130 machines at one time and subsequently 10 additional machines; all were United States Standard machines.

3441 No Empire voting machines have been purchased; they have been advertised for only.

Testimony again objected to by Mr. Deneen because relating to United States Standard voting machines, not Empire.

Mr. McEwen insists upon the introduction of the testimony on the ground that United States Standard was the predecessor of the Empire.

"Mr. DENEEN. The corporation, not the machine."

"Mr. McEWEN. And the machine, in its general principles."

3443 The objection is sustained by the Chairman of the Committee.

Mr. McEwen offers to show by the witness matters relating to the elections in Marion County, Indiana by the voting machine covering the cost of transportation, freedom from error, fraudulent manipulation, voting of more than one vote to the minute for the entire election day, and as high as 100 votes per hour; that the contract price of the Indiana 60-key, 7-party voting machine was \$750; that the machines have stood the wear and tear and have remained free from rust.

3446 Mr. Deneen objects to the investigation of machines outside of the Empire machines, in the City of Chicago, so as to include other machines in other places, under other laws, which is not contemplated by the resolution,

and would broaden the scope of the inquiry beyond the terms of the resolution.

Mr. Deneen's objection is sustained.

Rep. Kasserman believes that the objection should have been overruled.

3450 C. OTTO BROCKER:

Direct Examination by Mr. McEwen.

Witness resides at Milwaukee, Wisconsin. Is chief clerk of the County Clerk's office.

3451 The County Clerk's office has charge of the voting machines used in the county outside of the City of Milwaukee.

In the county at large, 38 voting machines are used.

"Mr. McEWEN. Q. What do those machines weigh?"

Mr. Deneen objects to the question until the machine is identified.

3453 The objection is sustained by the chairman of the committee.

The machines used in the county at large were 30-key machines, 7-party, United States Standard voting machines. The machines were purchased in 1906; 12 in 1907, and the rest at different times as needed.

3454 In the country districts voting hours are from 8 to 6.

"Mr. McEWEN. Q. Do you know the comparative cost of operating those machines as compared with the ballot-box?"

Mr. Deneen objects on the same grounds as the last objection.

The objection is sustained.

Mr. McEwen makes the same offer as with reference to the Indianapolis machine.

The objection is sustained by the chairman.

3455 Rep. Kasserman asks that the record show the proof should be received.

HERMAN C. SCHULTZ:

Direct Examination by Mr. McEwen.

3456 Witness resides at Milwaukee. Is secretary of the Election Commissioners of Milwaukee; has been in that

office since 1894. The election machines are in charge of a custodian under the orders of the witness.

3457 Witness supervises the elections to see that they are conducted according to law.

Milwaukee got voting machines in 1904 and now has 142 in use.

The average election precinct in Milwaukee is 700 voters; one machine is used in each precinct. Some precincts have as high as 800 and formerly had as high as 950.

3458 The highest number ever voted on a machine is 850. The Milwaukee voting machine is a 7-party, 40-key machine.

3459 Objection by Mr. Deneen on the ground that the machine used in Milwaukee is the United States Standard machine.

Objection sustained by the chairman.

The machines first purchased in Milwaukee in 1903 or 1904, and the last purchase was made three years ago.

The question is asked whether Milwaukee has had any difficulty with clips, wedges or rubber bands on voting machines.

Objection is made by Mr. Deneen and sustained by the chairman.

3465 "Q. Have you ever in your experience with voting machines in Milwaukee observed or heard of the placing of any pasters on the counters of machines or any of the machines?"

Objection to the question by Mr. Deneen; sustained by the chairman.

Mr. McEwen makes the same offer to show by this witness the same items as were offered in the case of witnesses Spencer and Brocker.

3466 The objection of Mr. Deneen is sustained by the chairman.

3466-7 The question is asked as to the possibility of setting the counters of any voting machine fraudulently so as to register more or less than zero to the disadvantage or advantage of a particular candidate and concealing the fraud by placing paper zeros over the counter.

The question is objected to by Mr. Deneen and sustained by the chairman.

Mr. McEwen offers to show by the witness that such a method of fraud would be impracticable and would require too many people to conspire and would be readily detected.

Objection is made by Mr. Deneen to the offer and sustained by the Chairman.

3468 Mr. Mitchell asks question as to whether the witness ever knew of fraud being established on voting machines used in Milwaukee.

3469 The objection is sustained by the chairman.

CHARLES D. BOYD:

Direct Examination by Mr. McEwen.

3470 Witness resides at Milwaukee; is connected with the Wisconsin Telephone Company and from 1893 to 1910 was committee clerk of the common council and as such assisted Mr. Schultz in preparing for holding elections in Milwaukee.

3471 Witness is acquainted with the use of United States Standard voting machines in Milwaukee.

Witness is asked whether he knew of any frauds committed on such machines in Milwaukee.

To this question objection is made by Mr. Deneen and sustained by the chairman.

The same offer is made by Mr. McEwen as made with the previous witnesses; the offer is objected to by Mr. Deneen and the objection sustained by the chairman.

Rep. Kasserman asks that the record show that he thinks the testimony should have been received.

3473 CHARLES A. KUHN:

Direct Examination by Mr. McEwen.

Resides at 2035 Thomas street, Chicago; employed in the Election Commissioners' office, for the past three years and three months, since Judge Owens' election. Is a Republican.

Witness has been demonstrating Empire voting machines standing in the corridor between the County Building and the City Hall.

3474 In these demonstrations the machine has been voted more than 23,000 times.

3475 Witness never saw a man who could beat the machine. Witness has tried to beat the machine himself and never succeeded.

The protective counter starts running with the machine and runs to a million; it cannot be changed. The public counter is set at three zeros for each election.

Ever since he began demonstrating witness has made notes of the protective and public counter record and there has never been a deviation.

Cross-Examination by Mr. Deneen.

3476 Witness has been demonstrating since December, 1913.

3479 Witness had read an article in the newspapers about errors on the machine in the Municipal Pension Fund election and had heard the testimony on the subject here the other day.

3480 Witness, in trying to beat the machine, never put rubber bands or clips on the face of the machine, or paper zeros on the back.

3484 Witness observed every* morning to see that the protective counter stood at 46, that the public counter was set at zero or 100 to determine that there was no variation.

Re-direct Examination by Mr. McEwen.

3485 The witness can vote a split ticket, five or six splits, in thirty seconds, and voters whom he showed how to vote voted as quickly.

3489 The witness believes he can vote 15 splits in a minute on the machine.

3491 On the day of the November, 1912, election witness believes there were about 320 candidates.

In experimental voting the witness never read the public questions on the machine, neither did the other experimental voters; some of the voters tried to read the

3492 public questions. They did not get through in a minute.

Witness does not know that anybody read any one of the seven public questions appearing on the voting machine.

Voters read these questions before election day.

3493-6 Witness explains the method of voting split tickets for County Commissioners by pulling down the keys for three Democrats and running his finger along the Republican line. The three last keys on the Republican line were not pulled down, but if the voter wishes to vote for any one or more of these three he puts up a correspond-

ing number of Republican keys and then can vote for any one or more of the three he chooses.

- 3497-8 Before election, sample ballots are given out and voters know where the candidates are located on the machine. Probably some voters do not do this.

FRANK KEIPER, previously sworn, recalled for further examination by Mr. McEwen:

- 3501 The same three-wheel counter is used on the Empire machine as on the United States Standard machine. They
3502 are manufactured by the Veeder Meter Company and are stock counters.

The same counters are used on the protective, public and individual candidate counters.

The witness is asked whether the United States Standard machines used the same counters, and the question is objected to by Mr. Deneen, which objection is sustained by the chairman.

- 3504 Mr. McEwen makes an offer to show the identity of the counters on the United States Standard and Empire machines.

- 3505 The objection is sustained.

Various other questions as to the identity of parts of the mechanism of the United States Standard with the Empire voting machine mechanical parts are objected to and the objection is sustained by the chairman, because "the United States Standard machine is not concerned here."

- 3506 An offer is made by Mr. McEwen to show the similarity or identity of parts and the operation in the two machines.

- 3507 Objection is made by Mr. Deneen and is sustained by the chairman.

"Rep. KASSERMAN. Let the record show that I think this proof ought to be received."

SUSAN L. JENKS:

Direct Examination by Mr. McEwen.

- 3509 Witness resides at 5237 Jefferson avenue, Chicago. Is president of the Illinois Woman's Jeffersonian Democracy.

The witness is familiar with the working of the voting machine and received instruction at the Election Commissioners' office. In 1912 witness voted on the machine in the 31st precinct of the 6th ward.

- 3510 Witness believes her vote was registered correctly. Where witness tried the voting machine experimentally and looked at the vote it was registered correctly.

Cross-Examination by Mr. Deneen.

- 3511 Witness cannot understand how the machine can be manipulated unless all the judges and clerks are corrupt.
- 3512 Witness cannot see how the custodian can adjust the machines to register incorrectly.

LAWRENCE F. KING, recalled for further examination by Mr. McEwen:

- 3514 Since adjournment, witness, with other persons from the Election Commissioners' office, has made a tabulation from the tally-sheet and statements of votes in the 1st, 2d, 6th, 7th, 18th, 21st, 25th, 26th, 31st and 32d wards; the 10 voting machine wards.
- "Mr. McEWEN. I will offer this proof when a larger number of the Commission is present."

VOLUME XXXI.

Morning Session.
Tuesday, April 28, 1914.

HARRY E. HOFF, previously sworn, recalled for further examination by Mr. McEwen:

- 3518 Witness is shown a book of maps from the Election Commissioners' office from which witness reads the boundaries of the 20th and 24th precincts of the 1st ward as they were in November, 1912.
- 3519 Witness was present at the recount on the State's Attorney's office.
- There are seals both on the curtain-lever and also on

the double "O" lock, which locks the compartment controlling the movement of the counters.

Witness saw the biggest part of these counters when the machines were open for the recount and did not see any that had been tampered with.

3520 Mr. McEWEN then offers in evidence eleven sheets of tabulations of voting machines referring to the 1st, 2d, 5th, 7th, 18th, 21st, 25th, 26th, 31st and 32d wards, comprising the voting machine precincts in the election of 1912. Also a recapitulation of the same purporting to show the judges' and clerks' returns on votes for State's Attorney.

3522 The purpose being to show that there was no substantial variation between the reports made by the judges and the votes shown by the recount.

The offer is objected to by Mr. Deneen and the objection sustained by the chairman.

JOHN S. BURNS:

Direct Examination by Mr. McEwen.

3536 Witness resides at 622 Blue Island avenue. Is a clerk in the office of the Election Commissioners. Witness is shipping clerk who shipped out and routed the voting machines in the election of 1912 and was on the telephone on election day.

3537 Curtain-lever seals were on all the curtain levers when the voting machines were sent to the precincts. The seal was of a kind that locks automatically and could not be unlocked or used as a seal after once locking.

3538 During election day numerous telephone calls were sent in from the judges saying they could not use the curtain-lever seals to lock the curtain lever, that it was already locked "and there was a supply of them in the hands of most all of the machines that were sent out, and then in the end, late at night, they kept on calling and calling."

3539 Seals were sent out at all hours of the day and night.

3541 Mr. McEwen offers to show by witness King that in the election of 1912 there were about 15,000 defective ballots cast. Objection to the offer made by Gov. Deneen and sustained by the chairman.

LAWRENCE F. KING, recalled for further examination by Mr. Deneen:

3542 Witness testifies that William Hamlin and James Hamlin appear as living at 2114 Wentworth avenue on the poll book of the 24th precinct of the 1st ward for the election of November 5, 1912.

PERRY LILLARD, previously sworn, recalled for further examination by Mr. McEwen:

3543 The witness was taken to the voting machine by Mr. McEwen and asked to show how he voted in the election of November, 1912. He did so, swinging the straight Republican ticket lever down and swinging the voting lever.

WILLIAM ANDERSON, previously sworn, recalled for further examination by Mr. McEwen:

3544 Witness shows on the voting machine how he voted at the election of November, 1912.

"Mr. McEWEN. The witness pulled down Taft and Sherman, Dunne and Rinaker.

"The WITNESS. I voted for Taft, Deneen and Rinaker."

The witness notices the mistake he has made, but says he made no such mistake on election day.

"The CHAIRMAN. Three minutes on that."

THEODORE THOMAS, previously sworn, recalled for further examination by Mr. McEwen:

3547 Witness votes on the voting machine.

"Mr. McEWEN. The witness voted for Taft and Sherman by pulling down the key, then throwing over the voting lever.

"The CHAIRMAN. He voted in one minute."

3549 Mr. Lasky, a witness before examined, states that when he voted on the voting machine at the election he was assisted by the judges.

3550-1 Mr. Brown, a witness heretofore examined, voted on the machine. Intended to vote the straight Republican ticket.

"MR. McEWEN. The witness pulls down the lever in front of the straight Republican ticket and pulled it back, then threw the voting lever over. . . . The witness made a mistake. He should have put the lever back.

"MR. BROWN. I hardly know whether I put it back the other time or not."

Two other witnesses, Mr. James LaGraza and E. H. Ford, cast experimental votes on the machine; also Mr. James Duncan.

Afternoon Session.

Tuesday, April 28, 1914.

BERNARD J. MAHONY.

Direct Examination by Mr. McEwen.

3558 Witness is an attorney-at-law connected with the State's Attorney's office. Was present at the State's Attorney recount representing Mr. Hoyne.

The witness is offered by Mr. McEwen to show how many precincts in the city of Chicago showed no variations between the judges' election returns and the recount taken.

Objection by Mr. Deneen to this proof is sustained by the chairman.

JAMES J. MULDOWNEY.

Previously sworn; recalled for further examination by Mr. McEwen.

3560 Has been present at this hearing and heard the testimony regarding the Pension Fund election.

Witness had spoken to Mr. McMahon, Mr. Wallace, and Mr. Cassidy and explained to them why the errors appeared in the voting machine at the Pension Fund election.

Witness had said to them it was because the voting keys were pulled down and put up again before the voting-lever was pulled by the voter.

Witness has since seen Mr. Wallace who said that this was true and that Mr. Wallace would come back and testify to that effect.

3561

Cross-Examination by Mr. Deneen.

No one could tell which of the 345 voters at the Pension Fund election had not voted.

The men who had failed to vote must have left the machine supposing that they had voted. The machine would not show the defective voting.

Witness does not know how many voters in the Pension Fund election failed to register their votes on the machine.

JOHN D. HARRIS.

Direct Examination by Mr. McEwen.

3566 Witness lives at South Bend, Indiana, and is a machinist foreman. Witness has had something to do with the use of voting machines in South Bend, Indiana.

Voting machines have been used in Indiana two years next June at two elections and two primaries.

The machine used was the Empire 9-party, 50-candidate machine, "a little smaller than that machine there."

There were 48 machines used in the county, 28 in South Bend. 48 machines was the total number of machines used in the whole county, 28 in South Bend, 8 in Mishawaka, and 12 in the township.

3567 Witness has had full charge of the machines as custodian and is custodian now.

The machines were used in the voting district, no ballot boxes whatever.

The machines were carried 20 miles, some of them, and weigh 750 pounds net. They weigh half a ton with the case. Three men handle the machine.

3568 "Q. Will you describe how these machines are used in the elections there; that is, what is done by way of repairing the machines, how it is used?"

Question is objected to by Mr. Deneen on the ground that, while it is the Empire machine, Illinois is the only state that has cumulative voting, a restriction for women, the Municipal Court, the Sanitary District Trustees, and so forth.

3569 "Mr. McEWEN. Q. Do you use the group vote in South Bend, or did you use it on the machine? A. Yes, sir."

The machine has a lock-out device so that candidates can be locked out in cities. The lock-out device is also used for a woman's lock-out.

The machine is also used at primaries and the party lock-out is used for that purpose.

The machine is sent out about three or four days before the election to the polling place. Before it is sent out the ballot is put on the machine and then it is sealed with two locks, a padlock and a lever. The custodian keeps a card that takes in every operation of the machine and all machines are checked off to see that they are in order for voting.

While in the polling place it is inspected again and a record made on the custodian's card of its condition.

After the election is over the machine is locked and a seal put on it, after which they open the back of the machine and take off the count from the rear, the judges and clerks of election.

The straight and split vote are taken off separately and added; after that the machine is put into the case and taken to the warehouse.

In Indiana the number allowed to the precinct is 250—number of voters.

“Q. What is the highest number of votes that you have ever known of being cast on the machine?”

Question objected to by Mr. Deneen on account of different conditions in Indiana from those in Illinois.

The witness is allowed to answer the question and 3573-B says: “Our last election was 540 and some odd, was the highest.”

The polls are open at primary elections for 12 hours, same for general elections, beginning at 6 in the morning and quitting at 6 at night.

The largest number of candidates on the machine was 40 candidates for six parties.

At South Bend, 100 votes were cast in one hour the first time the machine was used.

3575 Witness has never known of a machine being tampered with on election day in any way, shape or manner; there has no report ever come to him to that effect.

3577 The witness is a practical mechanic.

The inside parts of the machine are made of brass and copper and some composition metal.

The parts are treated to prevent rusting with something like a galvanizing treatment. Witness never found

any rust on any of these parts or any evidence of deterioration.

"Q. Have you made any comparative estimate or comparative examination with regard to the cost of election by ballot box and election by voting machine? A. Yes, sir."

Question and answer objected to by Mr. Deneen.

Objection is sustained by the chairman.

3578 "Mr. McEWEN. Well, I offer to show by this witness, as I offered with regard to the others, that voting machines saved about one-third of the cost of any election.

"The CHAIRMAN. Why couldn't you show that by the commissioners?

"Mr. McEWEN. For the reason that, in Illinois, because of the large election in 1912, we were compelled to maintain ballot-boxes, and so we just went on with the old ballot-box expense; we couldn't get away from it.

"Rep. JONES. Wouldn't you always be under that?

"Mr. McEWEN. Not necessarily.

"Q. Do you know the length of time that was allowed in the advertisement for bids on voting machines when they were purchased in South Bend or in that county?"

Question objected to by Mr. Deneen.

Objection sustained by the chairman.

3580 "Mr. McEWEN. Q. What price was paid by South Bend, or the county, for those machines?"

Question objected to by Mr. Deneen.

"A. \$40,000."

3581 "The CHAIRMAN. He may answer.

"A. I said that the 50 machines cost \$40,000, \$800 apiece.

"Mr. McEWEN. There are two you do not use? A. Those are extras, we use those for inspecting the election boards, separate from the other."

The voting machines have not broken down since they were used in Indiana, nor failed to work.

3582

Cross-Examination by Mr. Deneen.

The witness states that the machines do not wear at all, nor rust, and that he has examined every part of the machine.

Witness does not know the number of parts and there are too many parts to guess at.

Witness was not on the board that purchased the machines, nor did he examine machines for the board. Had nothing whatever to do with the purchase, except to pay taxes.

The witness does not know what commission the agent got for selling the machines in Indiana, but there has been litigation in South Bend by some companies on the award to the Empire machine. Witness believes also a question as to the integrity of the contract.

3584 Witness believes the charge was that they paid too much for the machines.

Witness knows of no other bidders for the Indiana contract except the Winslow people, also the Triumph and the International.

Mr. Deneen asks what lawyers started the litigation regarding the contract with the Empire Company.

Question is objected to by Mr. McEwen and the chairman rules that the question may be answered.

3590 "Mr. DENEEN. Q. What are their names?"

3591 "The WITNESS. I can only give you the names of the lawyer for the Empire people; I know him personally.

"Sen. LANDEE. The question was, who brought the suit? A. The suit was brought by the Winslow company and was instituted along about last January, or, I mean, a year ago last January."

The Empire Machine Company's lawyer was F. H. Wurzer.

Witness does not know the names of the lawyers for the Winslow Company and does not think they were local lawyers.

3592 The suit was brought in the Circuit Court, the clerk of which is named Frank B. Krutchoff.

The contract was made on behalf of the county by the County Commissioners of St. Joseph county.

3594 The only time witness saw Mr. Winslow was when he was in Indiana during the voting machine matter.

An attempt was made to defraud the machine by putting on a rubber band, but it was not successful.

3596 The witness has heard of clips which may be used for holding two voting keys together.

The witness has not heard of adjusting the counters of the machine so that it will not record any votes until 8 or 10 votes are cast, and is sure that that cannot be done.

In grouping the custodian might make a mistake so that the machine would not record matters correctly; it would

not record at all, the voter could not vote on it if it was not set right.

The machine cannot be set so that it would require the casting of several votes before one would register for any particular candidate, because of the mechanism of the machine.

The witness could do this because he has the keys and is custodian.

3598 The machine is always set to zero and is examined by the election board.

If the custodian had charge of the machine he could set it to any number he wanted to, but it would show on the counters and that could not be sealed, because the counters all have to show the zero mark.

In Indiana they have 250 electors to a precinct and the largest elector had 40 candidates and 6 parties.

The Indiana machine will accommodate 9 parties. In the Indiana machine, independent candidates can be voted on the slide rolls.

3599 When the voting machine is closed by the judges of election, a seal is placed on it and a number is placed on the seal. The seal remains on the machine until it is opened either for a contest or for another election, and nobody tampers with it. The same seal and the same number remains on the machine until the seal is taken off and destroyed.

The purpose of putting a seal on the machine is to show that nobody has opened the machine from the time they stopped voting until it is delivered to the custodian.

In Indiana the machine is not permitted to be opened for at least 30 days after the election unless by order of the judge.

3600 When the machine is set by the custodian a card record is kept with the seal number on it and the record is also made of this when the machine goes out.

When the machines have been fixed they are stored in the basement under lock and key and nobody is permitted to go in to them.

3601 No one, except the custodian, (the witness) has anything to do with fixing the machines. The night watchman or night custodian has nothing to do with that and has no key to the machine. The keys are locked in the auditor's office in the court house in a vault and the audi-

tor, deputy auditor and the witness knows the combination of the vault.

3602 When the machines are in the precinct, away from the basement of the court house the witness has no means of guarding the machines against tampering. He goes to the polls personally the day before election and examines the machines to see that they are all right; after that they are in the hands of the election board.

3604 The placing of a false zero over the figures on the counter might make a change in the machine and the custodian might do it if he were so inclined.

Such a fraud if it made a substantial difference would be checked up by comparison with the public counter and the protective counter as to how many votes were cast.

If these zeroes were placed on the machine by the custodian there would be no way for the judges and clerks to discover it unless they can see the figures revolving in the back. The judges and clerks are not supposed to look into the machines while voting.

Mr. Deneen, who has been absent from the room, here returns and asks the witness:

3609 "Q. I want to refresh your recollection about that suit down in South Bend. Do you know a man named J. J. Mackerlain? A. I do not.

"Q. Is he not president or associated with the South Bend Engraving Company? A. I know of a firm by that name there; whether that is the same gentleman, I couldn't say.

"Q. Wasn't the suit against the Empire Company instituted by J. J. Mackerlain of the South Bend Engraving Company? A. That is the name, but whether it is the same gentleman, I could not tell you."

3610 Witness cannot say whether the attorneys for Mr. Mackerlain were Mr. Hubble, and McInerney & McInerney. A change of venue was taken in the case to LaPorte county.

(After a short recess Mr. Deneen resumed the cross-examination of the witness.)

3612 "Mr. DENEEN. Q. Now, Mr. Harris, to refresh your recollection about this suit. The suit was started at South Bend by Mr. J. J. Mackerlain; Mr. Hubble, McInerney & McInerney represented Mr. Mackerlain, and it was started in behalf of the Triumph Company, rather than the Winslow."

The witness cannot say as to that.

3614 "Mr. DENEEN. I am asking if one of the objections to the machines raised by Mr. Mackerlain on behalf of the Triumph Company was not that the machine did not comply with the law of Indiana in that the elector could not vote his ticket within a minute? A. I don't remember hearing anything about that."

"Q. Wasn't the second contention that the machine was not large enough to enable the elector to vote for each of the presidential electors? A. No, sir, I didn't hear it."

Mr. Mackerlain, to witness' knowledge, did not experiment on the machine and try to write in the names on the blank spaces and tore the paper to pieces.

Witness does not remember whether it was contended that rubber bands could be used to prevent an accurate vote or that clips could be used for the same purpose. Witness did not hear that the machines could be made to register inaccurately by putting paper zeros on the back of the machine to hide the metal zeros.

3615 "Q. Wasn't one of the contentions made that you had an invisible ballot on the face of the machine and the elector couldn't tell for whom he was voting? A. No, sir.

"Q. You were custodian of those machines in November, 1912, were you not? A. I was.

"Q. I will refresh your recollection here and call your attention to the vote on the 3d ward of South Bend. Didn't the machine there show 98 more votes than had been voted? A. No. . . .

"The machine in that precinct, when the vote was tallied at night, taken off the back part of the machine onto the paper, it showed that there was so many votes less than what the counters indicated, but that was owing to the voter going into the machine and pulling down the pointer and pushing it up again and then throwing his lever over where he lost his vote in doing that.

3616 "Q. How many votes lost in doing that? A. Well, there was about 41.

"Q. And not 98? A. And not 98.

"Q. Was there any method of identifying any one of those 41 who made this mistake? A. No, sir.

"The machine wouldn't show it; there was no means of identifying the man who did the wrong voting; unless

the voter who made the mistake in voting was told of it, he would not know it at all.

- 3618 "Mr. McEWEN. Q. Mr. Harris, do you know the amount of money that was saved by the use of the voting machine in the first year of its existence in South Bend?"

Objected to by Mr. Deneen.

"Mr. McEWEN. It is in line with something that has been ruled out before, but I want to make an offer to prove there was a saving to that county of \$11,000 on the first two elections."

Objected to by Mr. Deneen.

"Mr. McEWEN. Q. Do you know whether the Triumph Company brought that suit over in South Bend, or whether a taxpayer brought it?"

The suit was brought in the name of J. J. Mackerlain of the South Bend Engraving Company.

- 3619 "Mr. McEWEN. Q. You had nothing to do with the handling of this lawsuit? A. No, sir, I was called as a witness.

"Q. Do you know whether those machines have been paid for? A. I believe there has been two payments. That lawsuit was to restrain the county from making the first payment.

"Q. Do you know how many payments those machines were to be paid for in? A. Four, \$10,000 each payment."

They were annual payments.

"Q. You were a witness on behalf of the Empire Voting Machine Company at South Bend, just as you were here? A. Yes, sir."

APPENDIX

OFFICIAL REPORTS OF THE STATE BOARD OF VOTING MACHINE
COMMISSIONERS OF THE STATE OF NEW JERSEY.

VI (EXHIBIT 3/0).

THE STATE BOARD OF VOTING MACHINE COMMISSIONERS.

REPORT TO THE GOVERNOR. DECEMBER 30TH, 1915.

Report.

December 30th, 1905.

*To His Excellency, Hon. Edward C. Stokes, State Capitol,
Trenton, N. J.:*

SIR: The State Board of Voting Machine Commissioners herewith submits its fourth annual report.

Since the last report of this Commission, dated December 31st, 1904, the personnel of this board has been changed by the death of our esteemed associate, Edward L. Phillips, of Chatham, N. J., on January 14th, 1905.

Feeling that the record of this Commission would be incomplete without some words expressive of the warm esteem in which Edward L. Phillips was held by his associates, we desire to accompany this note of his death with a brief extract from the memorial adopted by the commission:

“Early in our intercourse as fellow members our acquaintance became close friendship, and his manly character and attractive personality increasingly endeared him to us. His scientific attainments, his sound judgment and his high standards, made him an able counselor, and we gladly recognize that what measure of success attended our efforts was, in greatest part, due to his energetic guidance. His death removes from this board one who served his state well and faithfully in every measure of responsibility cast upon him, and from us, his associates, a friend whose kindness of spirit leaves to us a cherished memory.”

The vacancy occurring in this board was filled by your excellency, for the unexpired term, by the appointment

in succession of our late associate in the capacity of mechanical expert, in compliance with the law requiring one member of this commission to be a mechanical expert, of Franklin Phillips, M. E., of Newark, N. J. Captain Phillips entered upon the discharge of his duties as a member of the commission on March 10th, 1905.

Since the report of this commission, dated December 31st, 1904, the legislature has enacted two laws relating to voting machines; Chapter 118 of the Laws, session of 1905, entitled "Supplement to an act entitled 'An act to regulate elections,' approved April 4th, 1898," which, by section two, makes wilful tampering with or injuring a voting machine a misdemeanor punishable by a fine of \$500 or imprisonment in the state prison for the term of three years, or both. Chapter 205 of the Laws, session of 1902, made the commission of the acts specified a felony, and imposed a penalty, upon conviction, of imprisonment in the state prison at hard labor for not less than three nor more than ten years.

Chapter 215 of the Laws, session of 1905, approved April 28th, 1905, entitled "An act to provide for the purchase of voting machines and to regulate the use of the same at elections," was based upon a bill framed by a commission appointed by the legislature, pursuant to a concurrent resolution, consisting of the Secretary of State, the Attorney General, and the chairman of this commission, for the purpose of so amending the prior law, Chapter 205 of the Laws, session of 1902, above referred to, as to remedy the defects to which attention was called in the last annual report of this commission. Section 35 of this enactment provides, after specifying the offences constituting tampering with a voting machine, as penalty therefor, a fine not exceeding \$100, and, in default thereof, imprisonment in the county jail for a period not exceeding ninety days.

Section 2 of this last enactment makes provision for the appointment of a commission to consist of three persons, to be known as the "State Board of Voting Machine Commissioners," and continues the present commission in office until the expiration of the term for which they were originally appointed.

Section 3 provides for the organization of the commission, and pursuant to its terms the members of this commission, upon the appointment of Franklin Phillips to fill the existing vacancy, reorganized on March 10th, 1905,

by electing Joseph A. Brohel as chairman, Franklin Phillips as treasurer and Seward Davis as secretary.

Sections 4 and 5 provide for the examination and approval of voting machines by this board. The commission has re-adopted certain rules governing the submission and examination of voting machines submitted to it, and presents herewith a copy of its requirements, which is annexed to this report and marked Exhibit 1.

Section 6 prescribes the requirements with which any machine must comply in order to secure the approval of this board.

Pursuant to the provisions of sections 4, 5 and 6 of this act, application has been made to this commission for the examination of three voting machines, which were examined by the board, as follows: The Dial Voting Machine, presented by The Dial Voting Machine Company, of Lyndhurst, N. J., on June 27th, 1905; the Triumph Voting Machine, presented by the Triumph Voting Machine Company, of Pittsfield, Mass., on September 26th, 1905, and the International Voting Machine, presented by The International Voting Machine Company, of Chicago, Ill., on October 3d, 1905.

These machines were duly and thoroughly examined by the commission, but in each instance, at the request of the exhibitors, these examinations were not formally completed, as the respective companies presenting them each requested an adjournment to permit it to make certain changes necessary in their machines to adapt them to the provisions and requirements of the law with which, as presented to the commission, they failed to comply. Up to the present time none of these companies has re-submitted its machine or presented any further application for its examination.

By section 7 of Chapter 215, above referred to, provision is made for the expenditure, with the consent of the Governor, of such sums as may be appropriated for the purchase of voting machines by the commission. The legislature, by Chapter 264 of the Laws, session of 1905, entitled "An act making appropriations for the support of the state government," etc., at paragraph 93, appropriated the sum of \$50,000 for the purchase of voting machines, a certified copy of which act was received by this board from the Secretary of State on July 5th, 1905.

In accordance with the judgment of this commission, concurred in by your Excellency, it was decided that it

would be expedient to endeavor to procure the additional voting machines provided for in season for use at the general election to be held in this year, provided delivery could be made in season therefor without depriving the state of the best prices otherwise procurable. In conformity with the provisions of Chapter 215, this commission duly advertised, as provided by section 8 of Chapter 205, for a period of twenty days, its intention to purchase voting machines, inviting proposals therefor. The publication of this advertisement was begun July 15th, 1905, in these papers, as follows: The Jersey City Evening Journal, The Newark Sunday Call and The Trenton State Gazette, copy of which said proposal is annexed to this report and marked Exhibit 2. By its terms, sealed proposals were to be submitted on August 15th, 1905, and publicly opened at the capitol on that date. Copy of this proposal was sent to every manufacturer of voting machines known to this commission on July 24th, 1905.

Two proposals were received and opened on August 15th, 1905; one from The International Voting Machine Company, of Chicago, Ill., and the other from the United States Standard Voting Machine Company, of Rochester, N. Y. The proposal of The International Voting Machine Company offered to furnish 100 International Voting Machines, including delivery and instructions, for the sum of \$50,000, and quoted as its price per machine for any less number \$600 and agreed to make delivery on October 1st, 1906.

As the machine proposed to be furnished by The International Voting Machine Company was not of a kind, style or pattern which had been approved by the commission, in conformity with the laws of this state, the proposal of that company was rejected.

The proposal of the United States Standard Voting Machine Company offered to furnish eighty United States Standard Voting Machines at the net price of \$600 each, f. o. b. cars at Jamestown, N. Y., and agreed to have the same ready for shipment on or before the 15th day of September, 1905.

As machines of the same type and capacity proposed to be furnished by the United States Standard Voting Machine Company had been sold the state by this company in 1903 and 1904, at the price of \$500 each, including delivery at the points to be designated throughout the state, and as, in 1904, this company had included in its

price the work of instruction, the proposal of the United States Standard Voting Machine Company was rejected. Both proponents having been duly notified of the rejection of their bids, the United States Standard Voting Machine Company tendered an amended bid on August 23d, 1905, offering to furnish the state of New Jersey either with 100 voting machines, as specified in its proposal, for the sum of \$50,000, or to furnish ninety machines for \$45,000, such prices being f. o. b. cars at Jamestown, and agreeing to provide at its expense, one instructor, and to furnish all printed supplies for said machines, and instruction models.

The commission having required from the officers of the United States Standard Voting Machine Company affidavits setting forth copies of all contracts entered into by it since January 1, 1904, found upon inspection of these affidavits and contracts that this company had established uniform prices for its machines, as follows:

\$600 for seven party machines having thirty office columns;

\$650 for seven party machines having forty office columns;

\$700 for seven party machines having fifty office columns, and \$750 for seven party machines having sixty office columns, and that it had not sold any machines of the capacity desired by the board, i. e., having facilities for voting for thirty candidates of each of seven parties, and for or against fourteen questions or amendments, for a less price than \$600 per machine, and that such sales had been made uniformly without payment of delivery charges or furnishing of instructions since its last sale to the state of New Jersey of machines in 1904, but that it had sold large numbers of machines since that time at the prices above given.

The commission having decided to recommend to your Excellency the purchase of ninety United States Standard Voting Machines, in accordance with the terms of the proposal of that company, as amended, for the sum of \$45,000, and such recommendation having met with your approval, a contract was prepared accordingly, pursuant to the terms of which the United States Standard Voting Machine Company agreed to furnish ninety machines, together with printed supplies for the same, and to instruct those to be employed by the commission as instructors. This contract, having been approved as to

form by the Attorney General, was duly executed by the company and this commission on the 15th day of September, 1905, and was ratified by your Excellency and filed in the office of the State Comptroller, together with a bond to the state of New Jersey, in the sum of \$45,000, executed by the United States Standard Voting Machine Company as principal, and the United States Fidelity and Guaranty Company of Baltimore, Maryland, as surety, pursuant to section 8 of Chapter 215 aforesaid.

By the terms of this contract it was agreed that delivery would be made of these machines upon five days' notice, and, such notice having been duly given, shipment was made of these machines in three carload lots, one to Jersey City, one to Newark, and one to Trenton. The machines having been duly inspected by the commission and found to be in accordance with the contract were approved by the commission and accepted, and upon receipt of the designations from the Secretary of State, upon October 3d, 1905, in accordance with the provisions of section 9 of Chapter 215 aforesaid, of the election districts wherein such machines should be placed, delivery was made to the governing bodies of the municipalities in which these election districts were situated to which the Secretary of State had assigned the said machines, and receipts taken from the clerks of the said municipalities for said machines and supplies.

The machines furnished under this contract embodied a number of features of improvement, which were approved by the commission, over the type heretofore furnished. The principal features of improvement were that voting on split presidential electoral ballots by means of metallic tubes had been done away with, provision being made in the new machine for the extension of the paper roll and access thereto by means of a slide, as in the case of other independent nominations, permitting the use of pasters or the writing of names upon the independent roll, such change doing away with one extra lock and key necessary where access to the section of the machine containing the voting tubes is required. Glass doors are also provided at the back of the machine, permitting examination of the counters without giving access thereto, upon the unlocking of the machine. In the matter of re-setting, provision had been made whereby this can be accomplished in about one-quarter of the time necessary with machines before purchased, and the method of attachment and ad-

justment of the legs of the machine had been much simplified; and in various mechanical details modifications had been adopted, rendering the machine stronger and more durable.

Pursuant to section 9 of Chapter 215 this commission provided for the setting up of the machines in the election districts selected by the Secretary of State, and gave all such instructions in their use as in its judgment was necessary. To carry out the work of instruction in the limited time at the disposal of the commission, six instructors were employed, whose duties consisted in:

First. The instruction of the municipal clerk, charged with the care and custody of the machine and with its proper setting for election in his duties.

Second. The instruction of election boards, to be charged upon election day with the operation of the machine, in the method of operation and the taking of the tally therefrom.

Third. The instruction of the public by demonstrations of the machines, and by provision for the distribution of handbills and circulars of instruction, by the exhibition of posters, and in supervising the public exhibition of the machines by the election boards on the last registration day preceding election, in conformity with section 34 of Chapter 215 aforesaid. The instruction of the public was further accomplished by the exhibition in public places of the models furnished with each voting machine.

This work of instruction was carried on until the clerk of each municipality was thoroughly versed in his duties, and had executed a certificate that he had been instructed in the use and care of the machine, and that he understood same. Similarly, the instruction of members of the election board of each election district where a machine was to be used was carried on until their duties were thoroughly understood and they had executed certificates that they had been instructed and understood the operation of the machine.

The commission, having completed its work of instruction upon the ninety new machines purchased this year, and upon such of the old machines as had been transferred to new election districts, pursuant to the direction of the Secretary of State, wrote to all the municipal clerks throughout the state, having charge of voting machines, asking if they required any further instruction

or assistance in the setting of their machines for the election to be held November 7th, 1905. The replies received from ninety-five per cent. of the clerks who had had charge of machines at preceding elections were to the effect that no further instruction or assistance was needed. Wherever a request was received for additional instruction the commission undertook the work, and sent an inspector to see that the machines were properly set for election.

In addition to the work performed by the commission as above outlined, it endeavored to secure the co-operation of the officials having charge of voting machines throughout the state in the instruction of the public by calling their attention, by letter addressed to each, to Chapter 215, above referred to, immediately upon the passage of the act, particularly calling attention to section 34 of its provisions, requiring the exhibition of machines at the last registration day preceding election, and the giving of instruction to all voters who should apply for same. The commission also caused to be distributed the emblems of the several political parties which had adopted same, in accordance with section 13 of the said act. The board also prepared, under the supervision of the Secretary of State, forms of statement of canvass for the returns from voting machines, and attended to their distribution, as well as to the distribution of the supplies of unofficial tally sheets, election programs, books of information, notices to election officers to come for instruction, custodian's memoranda cards for instructing election officers, certificates of instruction given election officers, sheets of instructions to election officers, folders "how to vote," tags for voting machine keys, receipts for instruction models loaned, tags for instruction models loaned, sheets of custodian's instructions for examining and preparing machine for election, certificates of inspection of machine, envelopes for delivery of voting machine keys to election officers, envelopes for return of voting machine keys to city clerk, election officer's receipts for voting machine keys delivered to him, envelopes for delivery of lead seals to election officers, lead seals, one before and one after election; election officer's certificates that counters are all set at 000 on election morning, simple diagrams of ballots, wall posters showing how to vote, and sample sheets of ballot labels.

Section 37 of Chapter 215, aforesaid, imposed upon this

board the additional duty of having all voting machines inspected annually before the general election of each year. Pursuant to this provision the 361 machines which had been purchased by the state were inspected prior to the election held November 7th, 1905, and certificates of such inspection were made by the commission's inspectors. These certificates showed that with but few exceptions the machines were in first-class condition. The machines that were reported as in any way lacking in equipment or defective were only those that had been injured maliciously or through careless handling or improper care. In each case, the necessary repairs to place the machine in good order were attended to by the United States Standard Voting Machine Company under the guaranties contained in the contract of sale, which impose upon that company the duty of keeping these machines in repair. Where the injury resulted through fault of those charged with the care and custody of the machine, these repairs were made at the expense of those officials, in conformity with section 11 of Chapter 215 aforesaid.

So far as this commission has learned, every machine worked properly upon election day, November 7th, 1905, throughout the entire state. The machine is not to blame for the acts of clerks or election officers who do their work improperly. Wherever the machines were correctly set they correctly recorded the vote. The commission caused an inspection to be made of the machines in the three election districts where complaints were made that the voting machines there used did not operate properly at the election held November 7th, 1905. An examination of these machines at the expiration of the thirty days' period, during which the machines are by sections 25 and 28 of Chapter 215 required to be kept locked, and in every instance the machines have been found to be in perfect order and condition, and that they have operated properly and exactly as set, and that the difficulties experienced were due to improper setting.

The machines in Monmouth county—one at Red Bank and one at Shrewsbury—were not properly arranged for the offices where, it is stated, there was a surplus of votes. Endorsing bars were placed on the machines to connect the counters for a candidate for Senator, who was nominated by two parties; also for a candidate for sheriff, who was nominated by three parties. This would

not have caused any trouble if the election officers had followed the printed instructions and taken the record of but one of the counters, as each counter, whenever connected by an endorsing bar, shows the total votes cast for that candidate; but one counter should be reported, as the others are only duplicates. There was no surplus of votes; the surplus is in the returns, which were not taken in accordance with the instructions given.

In Morris county, the machine at Madison had an endorsing bar connecting counters having different names, with the result that each candidate received the vote of both. The clerk who set this machine was given instruction the day before election, and his machines were properly set for him, but were subsequently exhibited and voted upon, and when re-set were improperly re-set.

In Burlington county, the machine used at Moorestown had one counter, which was not set at zero.

In Hudson county, the failure to deliver ballots for the machines in due season occasioned some delay in the setting of the machines.

As stated, in none of these instances did the machines fail to properly record the votes cast upon them. The accuracy and reliability of voting by machine was made evident by the examination of these machines, not only in voting districts where no complaint was made, but particularly in those where the vote for candidates was questioned. In the latter case the contrast has been made so sharp between voting by paper ballots, with its numerous errors, and voting by machine, with complete freedom therefrom, where the machine was set correctly, as to point the way without question to a more complete use of machines for voting purposes. The difficulties encountered have largely arisen through the system of distribution of machines adopted. The present method of distributing the machines involves the maintenance of two systems of voting in many municipalities, which results not only in an unnecessarily large expense, but also in a vast amount of extra labor on the part of the local officials. The commission therefore recommends that future purchases of voting machines should be assigned so as to complete the equipment of cities, towns or municipalities, as the best results are attained where but one system of voting is in use. Where voting by machine is the only system in use, the local officials will have

more time to devote to the care and preparation of the machines and to acquainting themselves with the necessary requirements. There will be no excuse then for a repetition of such errors as occurred in the recent election, on account of the ignorance of certain officials as to the directions for setting the machines and the consequent unfavorable comments on the machine from those who attributed the trouble to a defect in its construction or operation. By grouping the machines so as to complete the equipment of any given locality, a more thorough and systematic education of the public may also be accomplished and any dissatisfaction with the machines eliminated, since we find that it is due, wherever it exists, solely to lack of knowledge on the part of the voters of the merits and accuracy of the machine.

Inasmuch as the board is required by section 37 to have all voting machines inspected before the general election in each year, the commission recommends that some appropriation be made available for this purpose before November first of each year. To carry out the duties imposed by this section upon the commission, it has been necessary for the commission to employ inspectors, and as there was no fund available from which they could be paid, the commission has had personally to advance these necessary funds.

Section 12 of Chapter 215 dispenses with the printing of ballots, except the official ballots used upon the machines. This should effect a material saving where there is a complete equipment of county, city or other municipality with voting machines. A further and material saving may also be effected by an amendment to the law, providing that in election districts where voting machines are used there need be but three election officers, since but three are needed where machines are used.

The commission would also recommend that some provision be made by which a voter might at times, in addition to the period immediately preceding election, have access to the voting machine in the district where he resides for the purpose of learning how to vote thereupon. This might be accomplished by the exhibition of the machine in some public place, such as the city or town hall, fire-engine house, or similar public place, where the machine could be left without danger of malicious injury. In this way, opportunity would be afforded for the citizens to become conversant with the method of voting

upon the machine, and every person so educated would strengthen the public opinion favoring the complete installation of voting machines in the voting districts throughout the state, in conformity with the policy of state equipment, advocated by Governor Murphy in his inaugural address of 1902, and his subsequent messages to the legislatures of 1903, 1904 and 1905.

In view of the recounts of the votes cast at the election of November 7th, 1905, had in many places throughout the state, the editorial comment of the Newark News of November 20th, 1905, seems to the commission worthy of quotation:

“Whenever and wherever a contest has been close, not only in this state, but in all others, the defeated candidate almost invariably demands a recount, on the ground that the ballots cast were not counted and returned as they should be. There is hardly any variation to this program, and there is abundant justification for it. Down in Monmouth county, where there are fifty-eight election districts, the county election board found something more than a dozen of the returns correct. All the rest were imperfect and incorrect in some way or other. Possibly only one or two votes were incorrectly returned in each district, but in the aggregate this may be enough to turn the election * * * and the court is asked to recount the whole number of ballots cast in the county to determine this very point. * * * In point of fact nobody has any confidence in the election officers or their returns in a close vote; nothing but a recount by the judges of the Supreme Court is at all satisfactory. Only when the majorities are so overwhelming that mistakes can hardly affect the results are ordinary election returns accepted as substantially correct. One of two things seems imperative. Either select only skilled mathematicians and expert accountants for election officers, or have voting machines that cannot and will not falsify returns, and put them in the hands of competent, honest men, who will start them right. In one New Jersey district a machine refused to work for two hours. In a whole division in Philadelphia, according to The Press of that city, ‘a human machine refused to allow a single vote to be cast for ten hours on election day.’ In Red Bank, one candidate who had no opposition, had more votes credited to him than were cast, but this was caused by lack of knowledge of the way to gear the machine. In New York, as al-

ready shown, more votes were returned than were cast in a dozen different districts, and this was done criminally. The Red Bank machine announced the error at once; it took a recount to find the mistake purposely made in New York.

“The voting machine is and has for several years been used in Buffalo, Rochester, Syracuse, Utica, and in several other large cities in New York; it is also used at elections in towns, townships, and village districts and the longer it is used the better it is liked. It is honest, it is accurate; there are no recounts where it is geared right to begin with, for the voters know that its verdict is not to be impeached. It may be tampered with by ignorant or unscrupulous officers, but even then it cannot be made to lie. It will tell, the moment it is opened, if the voters’ intentions have been in any way vitiated.”

Respectfully submitted,

JOS. A. BROHEL,
FRANKLIN PHILLIPS,
SEWARD DAVIS,

The State Board of Voting Machine Commissioners.

EXHIBIT 1.

The State Board of Voting Machine Commissioners, appointed pursuant to Chapter 205 of the Laws of 1902 of the state of New Jersey, entitled “An act to authorize the use of voting machines at elections hereafter to be held in this state, or in any subdivision thereof, and providing that the votes cast at any such election may be registered or recorded and counted, and the result of such elections ascertained by such machines,” and Chapter 215 of the Laws of 1905 of the state of New Jersey, entitled “An act to provide for the purchase of voting machines, and to regulate the use of the same at elections,” being duly constituted and organized, has adopted the following as its procedure in the examination of machines to be submitted to it:

I. Application for the examination of a machine must be in writing addressed to the secretary.

II. Such application must be accompanied by two sets of the following papers:

(1) Photographs showing the kind, pattern or style of the machine to be exhibited, suitably mounted on linen for binding.

(2) A description of the construction of the machine to be exhibited.

(3) Drawings illustrating the construction of such machine.

(4) A description of the method of operation of such machine.

(5) A signed statement setting forth on separate pages:

(a) The advantages claimed for the mechanical construction adopted.

(b) The advantages attending the use of the machine exhibited, especially with reference to its accuracy, efficiency and capacity to register the will of the voters.

(c) A list of places where, and dates when, said machines have been officially used.

(d) A list of patents under which the machine is built, accompanied by copies of such patents.

(e) A list of state commissions by which the machine has been examined, with a copy of the report of each commission.

(f) Any further information necessary to an understanding of the machine.

III. The application must be accompanied by a certified check drawn to the order of "Franklin Phillips, Treasurer," for the sum of four hundred and fifty dollars (\$450) for each machine submitted.

IV. Upon receipt of the application the secretary will give reasonable notice of the date appointed by the board for the examination of applicant's machine.

V. Machines to be submitted shall be erected in the State House, at Trenton, N. J., in complete working order, by 9 o'clock A. M., of the day appointed for examination.

VI. Machines may be consigned to owners, in care of the Custodian of the Capitol, Trenton, N. J., who will designate the room in which they shall be erected and afford proper facilities for their unboxing and erection.

VII. Each exhibitor shall attend in person, or have present a representative authorized to operate and explain his machine and to furnish such further information concerning the exhibit as may be desired.

VIII. The exhibitor shall pay all costs of transpor-

tation, erection, exhibition and operation and be responsible for the care of his property.

IX. Pursuant to section 6 of Chapter 215 of the Laws of 1905, the commission has adjudged that it is necessary that any voting machine shall be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, and for and against at least fourteen different questions or amendments.

X. Further information may be obtained from the secretary of the commission, to whom all communications should be addressed in writing, at Upper Montclair, N. J.
By order of

THE STATE BOARD OF VOTING MACHINE COMMISSIONERS.
SEWARD DAVIS,
Secretary.

EXHIBIT II.

Proposals for Voting Machines.

The State Board of Voting Machine Commissioners hereby gives notice that pursuant to and in accordance with the provisions and conditions of an act of the legislature of the state of New Jersey, entitled "An act to provide for the purchase of voting machines and to regulate the use of the same at elections," the same being Chapter 215 of the Laws, session of 1905, approved April 28th, 1905, and a further act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October 31st, 1906," the same being Chapter 264 of the Laws, session of 1905, approved June 26th, 1905, it has the power and authority to expend with the consent of the Governor, the sum of \$50,000, appropriated for that purpose in the purchase of voting machines of a kind, style or pattern which have been or may hereafter be approved by said commissioners, in conformity with the laws of the state, and intends to purchase such number of voting machines as the appropriation for that purpose will permit, and invites proposals therefor in accordance with the following specifications:

Proposals should state—

1st. The kind, style or pattern of machine proposed to be furnished.

2d. The capacity of the machine, which must provide facilities for voting for the candidates of at least seven different parties or organizations, and for not less than thirty candidates of each party or organization, and for and against at least fourteen different questions or amendments.

3d. What provision the proposer intends to make for the purpose of instructing the officers charged by law with the care and custody of voting machines, the election boards charged by law with their operation and the public so as to enable voters to vote either a straight or a split ticket within the statutory time allowed.

4th. The number of machines proposed to be furnished, including delivery and instruction, as above specified, for the said sum of \$50,000.

5th. The price for machine for any less number, including delivery and instruction, as above specified.

6th. What provision the proposer makes for suitably encasing the machine.

7th. The date when delivery can be made, said delivery to be made at such places within the state of New Jersey as may be directed by the commissioners.

The attention of those intending to submit proposals is invited to the provisions and requirements of Chapter 215 of the Laws of 1905, above referred to, for further particulars.

Each proposal must be accompanied by a certified check for \$500 to the order of the State Board of Voting Machine Commissioners as an evidence of good faith, to be returned upon announcement of decision of commission.

The State Board of Voting Machine Commissioners reserves the right to reject any or all proposals.

The proposals hereby invited should be addressed to the State Board of Voting Machine Commissioners, in care of the Secretary of State, Trenton, N. J., and must be received on or before August 15th, 1905, and will be opened publicly at the State House, Trenton, N. J., at noon on Tuesday, August 15th, 1905.

JOS. A. BROHEL,
FRANKLIN PHILLIPS,
SEWARD DAVIS,

The State Board of Voting Machine Commissioners.

STATE OF NEW JERSEY
DEPARTMENT OF STATE.

I, David S. Crater, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of Report to the Governor of the State Board of Voting Machine Commissioners, as the same is taken from and compared with the original now remaining on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Twenty-eighth day of June, A. D. 1913.

(Signed)
(Seal)

DAVID S. CRATER,
Secretary of State.

REPORT.

Hon. Edward C. Stokes, State Capitol, Trenton, N. J.

Dear Sir: In accordance with the provisions of Chapter 215, of the laws of the session of 1905, entitled "An act to provide for the purchase of voting machines, and regulating the use of the same at elections," the State Board of Voting Machine Commissioners herewith submits the annual report of its work therein provided for.

In the report of the commissioners, dated December 30th, 1905, it was recommended that some appropriation be made available before November first of each year to enable this commission to comply with the requirements of section 37 of said act, that all voting machines be inspected by it before the general election in each year. The legislature, at its session of 1906, pursuant to this recommendation, appropriated the sum of three thousand dollars for the fiscal year ending November 1st, 1906; and the further sum of five thousand dollars for the year ending November 1st, 1907, for the proper discharge of the duties imposed upon this board.

Prior to the general election of 1906 the commission caused an inspection to be made of all voting machines which had been purchased by the state, to the number

of 361, employing for this purpose as inspector Charles O. Fuller, of Trenton, New Jersey. Mr. Fuller has served the commission as instructor and inspector for the past four years. He is a skilled mechanic, and entirely familiar with the voting machines in use in this state, and has done his work conscientiously and thoroughly. In examining the machines they were uncased and erected, every part being examined, and each machine operated by voting upon it some fifty times, and tested in every way. His written report upon each machine showed this commission its exact state; if in anywise out of order or defective, due to rough treatment or malicious injuries, or if short in any part of its equipment, his report specified the particular in which such defect or shortage existed. If the injury were one traceable to any inherent defect in the machine, the manufacturer was notified and called upon to make the necessary repairs at its expense, as provided by the terms of the contract of purchase. If the injury were one due to the improper handling or care, the municipal clerk or other officials charged with the custody of the machines was notified to have such repairs made at his own expense. The machines were found, with but few exceptions, to be in perfect condition, although in very many instances the equipment supplied with the machine, consisting of the working model, the lantern, endorsing bars, question pointers, shields, locks, and keys were reported missing. Upon notification to the clerks these missing parts were in nearly every instance located; otherwise the defect was supplied by procuring duplicates from the manufacturer. Every defect was brought to the attention of the manufacturers but the only ones directly chargeable to them were those due to the swelling of the wooden roller upon which the paper is carried to the ballots for independent nominations. The swelling of the paper roll is due to atmospheric moisture, and was remedied without difficulty by our inspector. Such machines as were reported upon first inspection to be lacking in equipment, or otherwise, were again inspected and certified after having been put in perfect condition. This work was all completed before the general election of 1906.

In accordance with the provisions of section 9 of Chapter 215 aforesaid, the Secretary of State, on or about the first of October, notified the commission of certain changes in designations of voting machines theretofore made by

him. A number of machines were transferred by this designation to new districts. The commission, as required by the said section, attended to the transfers of such machines, and provided for their setting up in the new election districts selected by the Secretary of State, and gave such instructions for their use as in their judgment was necessary. Such instruction was given to the municipal clerks, borough or township clerks, as the case might be, and to the election board to be charged with the operation of the machines on election day. Similar instruction was also given to all newly elected clerks and election boards.

In the discharge of its duty, and for the purpose of setting the machines, the commission from time to time employed the services of four instructors. The work of instruction in each instance was carried out upon the lines detailed in prior reports of the commission, the clerks executing certificates that they had been instructed, and understood their duties in relation to the machine; and the election boards similarly certifying that they had been instructed, and likewise understood their respective duties.

A month prior to the date of the general election of 1906 the commission issued a circular letter to all municipal and other clerks charged with the duty of setting the voting machines for election, and asking whether they required any further instruction in their duty, whether they desired assistance in setting their machines for election, and whether in their opinions the election boards who would have charge of these machines upon election day required any additional instructions in their duties. In every instance where reply was received asking for further instruction, or assistance, the commission caused such instruction and assistance to be given. In a large majority of cases the clerks replied that no further instruction was necessary.

The commission also communicated with the county clerks, asking them to advise the commission as promptly as possible after the filing of certificates of nominations, in what election district where machines were to be used there were endorsed candidates for the offices to which two or more nominees were to be elected, that is, plural offices in which groups of candidates were to be elected, such as assemblymen, and in which districts more than seven parties had candidates in nomination, and in which districts there were more than thirty offices to be voted

upon. As soon as the commission received replies to these letters of inquiry, showing where endorsed candidates were to be voted for in groups, the commission sent its instructor to set the machines in those places, as under these conditions it became necessary to use what are termed "endorsing bars." It was deemed desirable to supervise the work of setting the machines by the municipal clerks wherever endorsing bars were needed, in view of the fact that at the last general election, wherever complaint had arisen, it had been traceable to the improper setting of the machine due to misunderstanding of the purpose of these bars. To obviate the chance of misunderstanding, the commission caused to be distributed to every clerk having the care of a machine a special pamphlet of instruction relating to endorsing bars, cautioning them that they were only to be used when the candidates of one party for a plural office, i. e., one in which a group of two or more candidates were to be elected, were also the nominees of another party, or independently endorsed. The commission also provided and furnished to the municipal clerks for distribution to the election boards, an illustrated pamphlet directing how the count should be taken from the machines where endorsing bars were used, and particularly cautioning them in turn that where two sets of counters of any candidates were connected by an endorsing bar, each set registered the total votes cast for the endorsed candidate, and that the counters therefore duplicated the vote, and that one counter alone should be returned as the vote for that candidate, pointing out to them that the endorsing bar mechanically added on each counter the vote cast for the endorsed candidate on either. Despite the precautions thus taken, it was found after election in several instances that election boards had canvassed the returns by adding both counters of an endorsed candidate, thus showing in their returns of the total vote cast that there were a number of ballots in excess of the total number of voters, the surplus consisting of the duplicate returns. It was also found that the municipal clerks had used endorsing bars in some instances where they were not intended to be used, and should not have been used—that is, where the endorsed candidate was not one of a group and where the candidate was to be elected to a single office. The endorsing bars in such cases were superfluous, but their use merely resulted in adding together the total votes cast for the candidate. Under the

instruction given to the election boards but one return should have been made accordingly, the duplication of returns being disregarded. Nevertheless, several election boards failed in their duty in this matter, either through misapprehension of their plain instructions, or for other reasons. Particular prominence was given to the case of the Fourth ward of the city of Rahway, and of the borough of Holly Beach. In the former case the matter came before the State Board of Canvassers, and, as your Excellency is aware, was explained to them, and it was demonstrated to their satisfaction by exhibition of the machine used, to be a surplus of the returns due to the improper canvass of the vote by the election board for the Congressmen in that district, constituting an obvious error. In the case of Holly Beach borough application was made to the court to have the count properly returned, but the application was dismissed by the court before hearing on the writ.

In the county of Hudson, the commission was not informed until a few days before the election as to how many candidates would be in nomination; and it then appeared that in ten of the election districts in that county there would be more than thirty candidates of some parties in nomination for as many offices. That is, from thirty-one to thirty-five offices were to be filled in some of these districts. As the capacity of the machine is limited to thirty candidates for an office of any given party, the commission asked the consent of your Excellency to the expenditure of a portion of its appropriation for larger machines, if this could be accomplished. Arrangements having been made with the manufacturer, the U. S. Standard Voting Machine Company, for the exchange of ten thirty-candidate machines for an equal number of machines of forty-candidate capacity, with the consent of your Excellency and the approval of the Attorney General, such exchange was made upon the payment by the state of the difference in price, of fifty dollars each, for ten of such machines. These machines having been delivered prior to election day, were inspected by the commissioners, approved and accepted and distributed to those districts where needed and were used upon election day. In Hudson county, Burlington county and in Cape May county, the commission was further notified shortly prior to the election that more than seven sets of candidates were in nomination for some offices;

but as these independent nominations in no instance constituted complete tickets, the capacity of the machine was sufficient to permit the placing of the candidates thus independently nominated upon the same rows with candidates of other parties which also had complete tickets in nomination, the machine being adapted to admit of such an arrangement. The opinion of the Attorney General was asked and given upon the objection being raised that such method or arrangement did not comply with the law upon the ground that candidates independently in nominations constituted parties, and were entitled to separate party rows; but the proposed method of setting the machine was held by the Attorney General to be a proper one, such independent nominations not constituting separate parties in the contemplation of the statute.

The commission was called upon by nearly all the city and municipal clerks in Hudson county to assist in setting their machines, except in the cities of Jersey City and Bayonne, where there are regularly appointed custodians who are men qualified to set the machines and understand the use of endorsing bars. As tickets were not distributed in Hudson county, as was the case in the preceding year, until the night before election, and in some instances were not received at the polling places until long after midnight, the commission's instructors and inspectors were greatly handicapped in the work of setting the machines, and although the work was accomplished as speedily as was possible, in view of the late delivery of the tickets, in some instances the machines were not ready until the time for opening the polls. The commission had this same experience in Hudson county in 1905, with the result then that the machines in some districts were not ready at the opening of the polls; they believe that the matter should be brought to the attention of the proper authorities, to the end that the law may be complied with, and tickets printed and delivered at the polling places as prescribed by the election law, in season to enable the ballots to be placed in the machines and the machines properly set before election, and thus avoid the confusion inevitably resulting from such delay.

The commission noted with regret the wide publicity given in the press to every instance in which a failure of a voting machine is alleged to have occurred, and has caused an examination to be made of every reported failure. It has found as a result that in no instance had any

machine itself been at fault, and that in many instances there had been absolutely no foundation for the reports which have appeared in the press, as in the case of the town of Kearny. The machines were properly set, were operated properly and the returns were absolutely correct. Widespread charges have appeared of errors and mistakes due to the failure of the machine to operate properly. In one single instance has there been any foundation for these accusations. In the case of the machine at the Borough of Secaucus, an endorsing bar was improperly placed upon the machine, and, during the course of the voting, as it was not properly attached, it worked loose and came off; but even this defect cannot be properly chargeable to the machine, but to the improper setting of the endorsing bar upon it, due to the hurry and confusion occasioned by the delayed delivery of the ballots in Hudson county.

It is the belief of the commission that under the plan of distribution required by the statute, by which machines are distributed prejudice has been aroused against the machine in certain localities where the voters have felt that the location of a voting machine was an attempt to compel them to use a method of voting which they did not understand, which they did not desire, and which they would not accordingly attempt to learn. The charge is made and reiterated in many districts where this view obtains that the purpose in locating a machine in such district has been an attempt to prevent a splitting of a ballot, and that the voter is thereby foreclosed from the free exercise of his right of choice. Such criticisms have resulted in making the use of voting machines a political issue, with the result of partisan prejudice being aroused. In consequence of this, the voting machines having been injected into the question they are condemned upon the slightest pretext. An instance in the last election in the state of New York, where voting machines failed to operate in the city of Elmira, has been particularly quoted in the press of this state. With regard to this failure the commission desires to point out, what has been noticed so far as it can learn, the fact that the machines used in the city of Elmira were inferior to those used in the state of New Jersey, being machines of an old type and one of the first put into public use; whereas those in our state are of the latest approved kind, and with them the failure in Elmira is practically an impossibility.

From its five years' careful observation of the use of voting machines the commission is persuaded that for every alleged failure of a machine there have been a number of actual failures of voting with the ballot-box, and that every objection which has been made to the use of machines in this state can be obviated if existing laws be amended in three or four particulars: (1) By the provision that machines shall be distributed by the Secretary of State primarily to the cities of the first class, and, when these are completely equipped, to the cities of the second class, and that the total equipment of the state should be carried out on these lines. The wide scattering of machines throughout the state in remote districts has greatly handicapped the work of education of the voters, and by the use of two systems of voting, in cities, towns and townships, the duties and burdens of the clerks and others having the general supervision of the machines are doubled, and that attention which is requisite for the machines is not given them. If cities were completely equipped for them suitable provision would be made for their setting, and the work of instruction of the election boards and of the public could be much more thoroughly undertaken. For example, in the cities of Newark and Jersey City, where custodians are employed who devote their attention to the machines, and who have charge of their setting, under direction of the city clerks, machines are used without the slightest difficulty being encountered. As an alternative suggestion to the foregoing, or in supplement thereto, if the machines already assigned remain in the places of their designation, or if the complete equipment of the state be carried out (2), by placing the general charge of the machines in a county under the county clerk, who is responsible for the printing and distribution of the ballots. Devolving the responsibility for proper setting upon such clerks will insure a proper and adequate supervision of their setting in due season for election.

(3) A further recommendation that the commission would gladly see adopted would be such an amendment to the law as would do away with the necessity now existing under its provisions for the use of endorsing bars. So long as it is necessary under the statute that each party should have a separate row, and that the offices to be filled should appear with captions above them, the name of a candidate for any office occurring as a group, when said

candidate is endorsed, must appear twice upon the machine, or as many times as he shall be endorsed. This necessitates the use of endorsing bars connecting his name wherever it occurs, in order that the voter may not by any possibility be able to vote for one man more than once, or as many times as there are candidates to be elected for such group office. In several states, notably Minnesota and Massachusetts, the laws provide for an arrangement of the ballot by offices, whereby first appear the offices to be filled, next the names of candidates therefor respectively, and following the names of the candidates the names and emblems of the parties of which the candidate is the nominee. In case the candidate be endorsed his name appears but once, the endorsing parties being printed after his name. This obviates the necessity now existing under the law for endorsing bars, and would do away with the one main source of objection arising from the machine itself, and fruitful of so many criticisms adverse to it. Irrespective of the question of ballot reform, such modification of the law in this regard is earnestly advocated.

Further modification of the existing law whereby the use of straight party ticket levers shall be done away with is also recommended for consideration as highly desirable, for the reason that, without the straight party ticket lever, the voter desiring to poll a ticket made in part of candidates in nomination by one party, and in part of candidates in nomination by others, would be upon the same plane as to facility of voting as the voter who desires to cast a straight ticket vote. In all cases under these conditions the voter would vote for each candidate for each office, and the conditions now existing, whereby in order to so vote he must first pull a straight party ticket lever, and then return the pointer of the candidate whom he wishes to scratch before he can vote for the candidate of his choice, would be done away with. This change can be made upon the machines in use without any expense to the state, as the machines are constructed to permit of the doing away with the straight party ticket levers without requiring other change.

The commission has examined these several matters with great care, and has observed the comment of the public and of the press of the state, and considered many individual communications upon the subject. The consensus of opinion is that the changes recommended are

desirable and necessary, and we believe, if made, will lead to the very general desire for the adoption of machine voting.

The commission has not been called upon in the discharge of its duties to examine any new type of machine; nor has application been made to it for further examination of any of the machines which have heretofore been submitted to it, but which have failed to secure its approval.

The apparent conflict between the enactments of the legislatures of 1902, 1904 and 1905 with reference to the punishment of crimes or misdemeanors arising from tampering with voting machines, which was noted in the last report of this commission, still exists.

As required by the act, the secretary has kept minutes of all meetings and proceedings of the commission, has preserved all the correspondence of the commission, which correspondence is quite voluminous, and has continued a system of keeping a record of all machines, by number and location, showing where and when used, by whom and when inspected, to whom delivered and when and where instruction has been given, and data as to reports and inspectors, repairs made and supplies furnished.

Dated December 31st, 1906.

Respectfully submitted,

JOSEPH A. BROHEL,
FRANKLIN PHILLIPS,
SEWARD DAVIS,

The State Board of Voting Machine Commissioners.

STATE OF NEW JERSEY
DEPARTMENT OF STATE.

I, David S. Crater, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of Annual Report of the State Board of Voting Machine Commissioners of New Jersey, as the same is taken from and compared with the original now remaining on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Twenty-eighth day of June, A. D. 1913.

(Signed)

DAVID S. CRATER,
Secretary of State.

REPORT.

December 20, 1907.

To the Hon. Edward C. Stokes, Governor of the State of New Jersey.

Sir: As successor to the State Voting Machine Commission I herewith present the report for the year 1907, as provided for in section 37 of Chapter 215 of the Laws of 1905.

In making such report sufficiently comprehensive it will be found desirable to review briefly the origin and history of the use of voting machines in New Jersey.

In his inaugural address of 1902, Governor Murphy, after examining the then existing ballot laws, and finding that they failed to safeguard, in the highest degree, the purity of the ballot, and that they provided for only a theoretically secret ballot, said:

“Two ways of improvement suggest themselves. The first is by amending the present law so that no ballot shall be obtainable by the voter except from the election officer; and if the law should be so amended, I suggest the Massachusetts form of ballot as perhaps the best form yet devised. The second is the use of the voting machine in place of the ballot. I am informed that this machine has been so perfected that it is entirely practical, and that in those states where it has been used it has given results that have been altogether satisfactory. The only objection I have heard to its use is on account of the expense; but with the large amount of money in the treasury this is not a serious matter. No expense is unwisely incurred which will make corruption at the polls impossible, and the expense might easily be met by an appropriation from the treasury of the state to provide each county with the necessary number of machines.”

The legislature after considering these suggestions, appointed a committee to investigate the desirability of the substitution of voting machines for the paper ballot; and in Governor Murphy's first annual message in 1903, after urging the adoption of efficient primary laws, he said:

“Second only to the importance of a proper primary election—perhaps in every way its equal in importance—is the necessity of providing means for correctly registering the will of the people at the final election. The pres-

ent law is good, but it is not without its defects. The last legislature provided for the appointment of a commission to investigate the desirability of the voting machine to replace the ordinary ballot. That commission has done its work and made its report, which I commend to your favorable consideration."

Then follows a discussion of means whereby the expense of equipping the state with voting machines could be met. In partial compliance with Governor Murphy's suggestion, an appropriation of \$50,000 was made by the legislature of that year, with which the cost and expense of installation of eighty-one machines were defrayed.

In 1904, he said:

"At the last session of the legislature a law was passed providing for the introduction of voting machines in the state, and a commission was appointed, charged with duty of examination and selection of eighty-one machines.—

"These machines were distributed under the direction of the Secretary of State to the various polling districts throughout the state, and the result of their use has elicited the most favorable reports from all the districts wherever used, without exception. The advantages of the voting machine are now generally recognized, and their use is increasing rapidly. I suggest to the legislature that if it is not thought desirable, because of the expense, to appropriate sufficient to provide every polling district in the state with a machine, that provision be made for one-half or one-third, so that within two or three years the state may be fully equipped with this desirable method of registering the vote."

The legislature, however, appropriated only \$100,000, with which 190 machines were purchased and installed, and the next year—1905—\$50,000 was appropriated, with which ninety machines were purchased and installed, making a total of 361 now in use throughout the state.

At the outset these machines were very popular and greatly sought. The demand was greater than the supply—all sections of the state insisting upon an equitable distribution. The machines were accordingly distributed throughout the different counties, in proportion to their population, and located in the respective polling places so as, in the judgment of the representative people of the communities, to afford the broadest opportunity for observation and investigation. No machine was arbitrarily located in any district; but the location was always des-

ignated upon the recommendation of representatives of the people who were regarded best fitted to speak for them.

The control of these machines, after their location had been designated, was originally vested in a State Voting Machine Commission. The act abolishing that commission and voting its powers and duties in the Department of State was approved October 12, 1907, and went into effect immediately, and the whole responsibility, heretofore resting upon the commission, was added, twenty-three days before election, to the duties of the Secretary of State, and was connected with that division of his department having charge of the general election machinery.

Mr. Charles O. Fuller, the commission's very efficient chief inspector, was retained in his former position, and the temporary services of five additional inspectors were secured for varying terms of from one to fifteen days. Mr. Fuller's report of his inspection, as provided by the statute, is on file.

About three years ago, the early favor with which the machines had been generally received began to wane, and requests for their removal from certain localities began to be received. Each year since then the number of these requests has increased, and while in a few localities the machines have retained their former popularity, in by far the larger number there are active and often well organized movements seeking their removal. The department, accordingly, has instituted an investigation to determine the extent and reasons for this dissatisfaction, and herewith presents a summary of its findings.

First will be presented the express complaints, criticisms, or objections, so far as it has been possible to collect them, categorically arranged with what is believed complete explanations or answers. In many instances the criticisms are so clearly unjust, and the objections are so unfounded, that a mere statement demonstrates their unreliability.

A presentation will then be made of some of the underlying and unexpressed but real reasons for the criticisms, together with some suggestions for further treatment of the subject.

1. Objection: That the voter has no assurance that his vote is being recorded as intended.

Reply: The voter has the absolute assurance of a thoroughly tested mechanical device that his vote is be-

ing recorded as cast. This assurance must, of necessity, be much greater than that which can be given by any human agency. No properly adjusted mechanical device can do anything else than that for which it is designed. If it is set right—and, in the case of the voting machine, this is the duty of the official custodians of the machine—it will work right. It cannot do otherwise. On the contrary, human frailties always intervene to throw a very serious doubt about the casting of a paper ballot. Our business men long ago abandoned the human calculator for the adding machine; the petty cashier for the cash register; and the general public is always horrified when informed that railroads are still relying on human agencies for train protection rather than on the automatic signal devices. Men demand modern machinery in their business, and for the protection of their lives and property; but they insist on exposing their sacred ballot to the chances and errors of human nature. No voter should put as great reliance on his own fallibility as he does in a properly tested machine.

Further, with a paper ballot the voter has no assurance that it will not come out of the box a "marked" ballot. A particle of dirt, or piece of lead pencil, either accidentally or intentionally placed in the polling booth, or perhaps in some way attached either to his own person or to that of the election officer, or, as is often the case, some printer's mark may, and very frequently does, entirely vitiate his ballot. This year throughout New Jersey, 2,856 ballots, or about .73 of one per cent. of the total vote, were rejected. In 1905, 2,387 ballots, or .62 of one per cent. of the total vote were rejected. In 1906, 2,591 ballots or .62 of one per cent. of the total vote, were rejected. In 1907, 2,591 ballots, or .71 of one per cent. of the total vote, were rejected. These statistics show that every year about seven votes out of every thousand are annually thus practically disfranchised.

In Newark this year there were 669 rejected ballots, or nearly two persons out of every hundred voting paper ballots in that city were disfranchised.

During each of the last three years there have been approximately 150,000 voting machine votes, or over 600,000 machine votes in New Jersey during the five years of their use; and of all these votes cast on voting machines in New Jersey, no man has ever been thus disfranchised. Such a thing is mechanically impossible.

Nor can the voter safely rely on his eye to assure him that the ballot which he hands the election officer is the one which is deposited in the box. Sleight-of-hand manipulation is nowhere more highly remunerated than when possessed by election officers; and when an election officer possesses this acquirement, and wishes to use it, the chance of the voter having the vote cast as intended is not greater than is the chance of success of the uninitiated gambler at the country fair. An entirely new set of ballots may be, and occasionally has been, substituted for the rightful contents of the box. It is an uninformed voter, indeed, who regards his own precaution as more reliable and accurate than a properly adjusted machine.

2. Objection: That the manifold complications of the machine make voting difficult, and embarrass, or actually disfranchise: first, the illiterate; second, the aged and infirm; third, those of a non-mechanical turn of mind.

Reply: Those who sincerely believe that voting with machines is a complicated process have little knowledge of their use. Machine voting is accomplished not only with much greater speed, but with greater ease than with the paper ballot. The turning of a pointer, which is in the nature of a knob, is both theoretically and actually much more easily and speedily accomplished than by either the preparation of a paper ballot for the envelope or the erasing of a name and the insertion of another, whether it be done by pencil or paster. This is not only theory, but the result of actual demonstration, even though the voter avails himself of our present provisions for preparing the ballot before entering the booth. By actual tests the same person can accomplish voting in from one-fourth to one-sixth of the time on a voting machine that he can by a paper ballot, and this holds more true in case of split tickets than in straight ticket voting.

The illiterate man cannot possibly prepare his own paper ballot intelligently or know that it has been prepared as he directed; but if he possesses sufficient knowledge to count thirty (that being the number of spaces on each row of our machines), and knows the difference between right and left, he will have no difficulty in acquiring a knowledge of how to cast his ballot properly on a voting machine.

This applies with equal force to the aged and infirm—the machine requiring much less effort to vote than does the paper ballot, and the same legal assistance allowed

in casting a paper ballot is allowed in using a voting machine.

The man so deficient in mechanical knowledge as to be embarrassed in voting on a machine must find equal embarrassment in getting in or out of a room, especially if the room is strange and there are several doors properly labeled. The same mechanical knowledge enabling him to turn the knob of a proper door will enable him to cast his ballot for the desired candidate. The difficulty is that he learned the art of opening doors in his earliest youth, and he declines now to take the little time necessary to apply these same mechanical principles in acquiring a knowledge of which is the proper knob to turn to cast his vote for the desired candidate; or, once having learned, fails to refresh his memory before attempting to vote the second time, and forthwith blames the machine for an embarrassing lapse of memory. The principle of operating the two knobs is exactly the same.

3. Objection: That the splitting of ballots cannot be accomplished except, first, at the risk of indicating by the "click" to those outside that splitting is being done, and second, by the length of time that the voter spends in the booth.

Reply: It is at the voter's own option whether the alleged click is made. It is the result of the metallic pointer coming in contact with the metallic frame. If the contact is violent, the click will be heard. If the pointer is moved moderately, the contact between the two metals will be noiseless. Besides that, the voter may turn as many pointers and make as many clicks as he sees fit, and still vote a straight ticket or one in which the cutting has been done in a noiseless manner, according to his feeling or disposition.

Second, the length of time that the voter spends behind the curtain bears no more relation to the kind of ticket he is preparing to vote than does the length of time which he would spend in the booth preparing his paper ballot. Some men naturally think and act much more quickly than others. The actual time consumed in moving the pointers is momentary.

4. Objection: That the use of the machine conduces to straight ticket voting.

Reply: The voting machine, properly used, not only does not conduce to straight ticket voting, but the result is quite the contrary, as the following table will show:

In Hunterdon County six polling districts used machines, and twenty-one used paper ballots. At the last election there were 876 Republican gubernatorial votes and 789 Republican assembly votes cast on machines, or eighty-seven assembly cuts. There were 1,929 Republican gubernatorial paper ballot votes, yet there were 1,921 Republican assembly paper ballot votes, showing a difference of only eight assembly cuts with paper ballots.

If the use of voting machines conduces to straight ticket voting, there should be proportionately fewer cuts on voting machines than with paper ballots. If the same proportion of cuts is to be maintained with paper ballots as with voting machines, the number of cuts on the machine should bear the same relation to the number of cuts with the paper ballot that the total number of gubernatorial machine votes bears to the total number of gubernatorial paper ballot votes; and if that proportion had been maintained in Hunterdon County this year there would have been 191 assembly paper ballot cuts, instead of eight, the actual number.

At the last election in Bergen County there were 61 paper ballot precincts and 15 voting machine precincts. There were 3,054 Republican gubernatorial machine votes and 2,841 senatorial machine votes cast, or 212 machine senatorial cuts. There were 8,139 Republican gubernatorial paper ballots and 6,836 Republican senatorial paper ballot votes cast, or 303 senatorial paper ballot cuts. Applying the same rule just used in the Hunterdon County case, there should have been 502 senatorial paper ballot cuts, instead of 303, or 66 per cent. greater proportionate number of voting machine voters cutting their tickets in the paper ballot precincts.

The voting in the City of Trenton, where much cutting was done, is interesting. There were 2,522 Republican gubernatorial votes and 2,712 average Republican assembly votes cast on the machines, or 190 assembly credits. There were 5,319 Republican gubernatorial paper ballot votes and 5,869 paper ballot assembly votes, or 550 assembly credits. Had the same proportion of credits been maintained in the paper ballot precincts that existed in the voting machine precincts, there would have been only 410 credits, or less than 550, the number actually received. While for mayor in the same city there were 145 credits in the voting machine precincts and 187 in the paper ballot precincts. Had the same proportion in the

paper ballot precincts been maintained that existed in the voting machine precincts, there would have been 313 credits, instead of the 187 actually received. Whereas, again, in the case of the Tax Receiver, the Republican candidate received 216 credits in the voting machine precincts, as against 571 in the paper ballot wards. Whereas, if the proportion of cuts in the voting machine precincts had been maintained in the ballot precincts, there would have been 463 credits, instead of the 571 actually received. This shows that the cutting for the assembly and Tax Receiver candidates was proportionately greater in the paper ballot districts than in the voting machine districts; whereas, for the mayoralty candidate, the proportionate cutting in the voting machine precincts was greater than in the paper ballot districts.

In Summit, there was one voting machine and three paper ballot districts. In the machine district, the Republican gubernatorial candidate received 213 votes. The Republican candidate for mayor received 162, a cut of fifty-one votes. In the three paper ballot districts the Republican gubernatorial candidate received 395 votes; the Republican mayoralty candidate 310, or eighty-five cuts. If the same proportion of voting machine cuts had been maintained in the paper ballot districts there would have been ninety-four cuts, instead of eighty-five.

But perhaps the most interesting of all the New Jersey elections this year was that held in the Borough of Washington, where the two voting districts were equipped with machines. The ticket consisted of gubernatorial, assembly, mayoralty and two councilmanic candidates. The Republican and Democratic parties nominated the same persons for municipal offices. In opposition to this municipal ticket, two Independent tickets, each also containing the same names, were nominated, so that when a person desired to vote for these Independent municipal candidates and also for gubernatorial and assembly offices, it became necessary to make three distinct cuts in each instance. The result showed that out of 646 votes cast at the election the Democratic candidate for Governor had a majority of 103, and the Republican candidate for assembly a majority of one, showing 104 cuts, or sixteen per cent. of the total number of votes cast. The Independent candidates for municipal offices received, respectively, 169, 185 and 228 votes, or twenty-six, twenty-eight and thirty-five per cent., respectively, of the entire

vote cast. The voters of this municipality found no difficulty in splitting tickets in any way they desired.

Last year, on the voting machine used at Red Bank, in this State, the largest number of votes for any Republican candidate was 240, and the smallest number 162, a difference of seventy-eight; while the largest number for any Democratic candidate was 219, and the smallest 141, also a difference of seventy-eight. It was freely conceded by party workers on each side that there was more splitting done on this machine than had ever been done before with a paper ballot.

Last year, also, in the Ocean Grove district of Neptune Township, the largest number of votes cast for any Republican candidate was 288, and the smallest number 181, making a difference of 107. The largest vote cast for any Democratic candidate was 193, and the smallest 111, or a difference of eighty-two.

In Buffalo, New York, where voting machines have been used exclusively for nine years, in each polling district, at the last election the Democratic candidate for Police Justice received a majority of 4,034, while the Republican candidate for County Judge received a plurality of 11,469. In 1905, in the same city, the Democratic candidate for mayor received 10,085, while the Republican candidate for Overseer of the Poor received 1,114 plurality, showing that the voters of Buffalo know well how to split tickets on voting machines.

In 1906, in Milwaukee, Wisconsin, also equipped with machines, certain Republican candidates received pluralities from five to seven thousand; while an Independent candidate for District Attorney, running on a ticket upon which he was the only candidate, received a plurality of 125.

These are only a few places chosen at random from both the returns of this and previous years. Similar results will be found in a very large majority of the districts where voting machines have been used.

This, too, is all in view of the fact that at many polling places the public has been inadequately informed of the method of voting by interested election officers and others, a very common practice being for ward workers to establish impromptu schools for the purpose of instructing the voters in the art of voting some particular straight ticket only; and often election officers themselves have positively refused to instruct intending voters as to the

proper way of splitting tickets. In this respect, both our law and our practice is deficient in that voters have not had the rightful opportunity of acquiring all the knowledge necessary to enable them to use voting machines properly and conveniently; while voters have frequently been found possessed either of a timid disposition or of a false pride which prevented them from making the necessary investigation. Of course, the machine cannot be held accountable for such conditions.

The experience of the department has clearly demonstrated that in those voting districts and municipalities where the voters have received the most efficient instructions the voting has been most successful, and the voting machines stand in the highest favor.

5.

Objection: That the purpose of the machine can be fraudulently defeated.

Reply: This charge has often been made. Hundreds of men have loudly proclaimed their ability to defeat the will of the voter—to “beat” the machine, as they call it—but not one has ever been able to demonstrate successfully his ability to perform such a feat. No one has ever been able to interfere in the least degree with the free choice of the voter in the performance of any legal act, to prove that the machine admitted of any fraudulent act of a voter, or to prevent the counting of the vote as cast. It is ready instantly, at the close of the polls, to announce the result of the election, thus preventing the midnight manipulation of the election returns; in fact, no person has yet found a way to perform a fraudulent or immoral act with it. Every statement of successful manipulation of the machine has been found incapable of accomplishment.

6.

Objection: That the machine ballot is not secret.

Reply: This is another oft-repeated, but false charge. No one has ever been able to show, from the use of a machine, how another votes. It has been stated that mirrors, ingeniously arranged, or unauthorized watchers concealed in the walls have been able to observe through the open space above the machine the lever which the voter is pulling. Neither of these things is scarcely pos-

sible of accomplishment; and if they should be, the fault lies with the election officers for allowing them to exist. An election officer who would allow such a thing would be equally culpable with the officer who would deliberately allow an unauthorized person to go behind the curtain while a voter was preparing his ballot.

Neither the bell nor the click of the lever can possibly reveal to the most sensitive ear which ticket is being voted, for the reason that there is only one bell in the machine, and all levers actuate the same shaft which controls the bell. The pitch and the tone are the same; the volume of sound depends entirely on the vigor with which the lever is turned or pulled; while in the case of the click, in each instance it is the same piece of metal, cast from the same material, and is, at each pointer, attuned to the same key or pitch. The musical ear theory is purely imaginative.

The entrance knob connects only with the latch which holds the curtain lever to the left side. As soon as the knob is lifted and the lever is moved two inches it is entirely disconnected, and so remains until the curtain lever is returned to the left side, when it will lock the curtain lever, which may be released by lifting the entrance knob.

The election officer is prevented from seeing the face of the machine by a heavy curtain and a small steel door inside of the curtain. Even if he stood in front of the machine he could see nothing, as all of the pointers are turned back before the curtain begins to open.

7.

Objection: That it is unreliable and liable to err in its count.

Reply: This is an objection which belongs in the same catalogue with the two preceding ones. Not a single proven instance of unreliability has ever been found. Every statement of error, inaccuracy, or of the machine "going wrong," has been found to be without foundation in fact. In every instance where trouble has resulted the fault has been found with those in charge of the machine. Every case of this nature reported to the department has been thoroughly investigated, and the fact has always been found to be that the machine has been improperly adjusted, notwithstanding the express instructions of the department. Nor is this universal

efficiency limited to machines in New Jersey. In every State where the machines which would be approved under our law are used the same results have been produced.

8.

Objection: That the voter cannot see his ballot.

Reply: The names of all officers and candidates are plainly printed on cards placed in the face of the machine. These cards can be seen plainly, and the law recognizes them as ballots.

The voter sees them when he prepares the knob for voting in the same way that he sees the paper ballot at the time he encloses it in the envelope. After he has delivered the enclosed paper ballot to the election officer he sees it no more than he sees the knob which he has placed over the candidate's name on the voting machine after he opens the curtain. In the one case he has the absolute assurance of an impartial properly adjusted mechanical contrivance that his vote is being cast and will be counted as cast. In the other, he must rely in the morality and the fallibility of a more or less interested and competent person for both actually casting and counting the ballot. No man can actually cast his own paper ballot into the box or know that it is counted. He not only prepares his ballot on a voting machine, but the mechanism is such that he performs the physical act both of casting and counting his own vote.

9.

Objection: That the independent voter considers it a hardship under the arrangement of the straight party levers.

Reply: An independent voter who prefers not to pull any of the party levers can, by pulling up the releasing knob, which is below the party levers, unlock the machine, and then vote for such candidate as he wishes.

10.

Objection: That the use of the voting machine is unconstitutional.

Reply: The Constitution of the State of New Jersey provides that the Legislature shall prescribe the method of voting; and voting machines have been legalized as a method of voting. In this, our laws are either similar

to or more liberal than those of Michigan, Illinois and Minnesota, where the question has been tested in the highest courts, as well as Rhode Island, where the courts, as far as tried, have sustained their use. In Massachusetts, the Constitution required that the ballot be written, and the court held that the voting machine was not in accordance with that provision.

11.

Objection: That the voter can vote more than one ticket while in the booth.

Reply: The voter can select from the candidates of each political party, but he cannot vote for more candidates for any office than the number to which he is entitled.

12.

Objection: That the voter cannot vote in a group where the candidates' names appear underneath each other.

Reply: The voting machine should be arranged before the election so that voters can vote for any of the candidates for any office, irrespective of position. It is capable of such arrangement that any legal vote can be cast on a machine that can be cast with a paper ballot. It sometimes happens that there are more party nominations or more names on a ticket than the seven party thirty-candidates machines in use in New Jersey will accommodate, but the municipality can replace such machines with larger ones.

13.

Objection: That the voter is obliged to move the question pointer in addition to the voting of his straight party ticket, and that he forgets to do this.

Reply: Voting on question is, as it is believed it should be, entirely separated from party politics. If a question is to be advocated by one party and opposed by another party, it can be placed on the party rows of the parties for and against such questions. This is done in some States.

14.

Objection: That the voter cannot vote for a man who has not been nominated.

Reply: Ample provision is made on the machine for

voting for persons who are not nominated. An absurd criticism, entirely at variance with the facts.

15.

Objection: That the voter, in using the round emblem machines, is liable to pull the wrong ticket lever.

Reply: A voter should be as careful in voting by a machine as with a paper ballot, that he votes as he wished to vote. If, desiring to vote a Republican ballot, he pulls the Democratic lever, he should blame himself, just as though he picked the Democratic instead of the Republican paper ballot in the booth, both being plainly labeled.

16.

Objection: That the machine can be set so as to favor the party in power.

Reply: This statement is entirely without foundation. Both the statute and the machine are absolutely impartial. It favors only the candidates voted for. It cannot do otherwise, except at the connivance of all the members of the election board and all the challengers.

17.

Objection: That the party ticket appearing on the first row has the advantage.

Reply: This is purely imaginative, probably the outgrowth of the errors incident to the slightly confusing round emblem machines, eighty-one of which are in use in New Jersey. If the tendency in using these machines is to vote for the party occupying the row below the one intended, the party having the first row has the decided disadvantage rather than advantage. If, for instance, with our present statutory arrangement of party rows, the Socialist party gets an abnormal number of votes, due to a certain percentage of Democrats pulling the wrong lever, it is fair to presume an equal percentage of Republican voters have also pulled the lever below the one they intended, or the Democratic lever, so that the Democratic loss to the Socialists has been made up by Republican voters, but there being no lever above the Republican column, their loss to the Democrats cannot be made up. The department recommends that the emblems on these eighty-one machines be changed from the round to the square style, with which there can be no ground for confusion.

REAL REASONS FOR OBJECTIONS.

In next considering the unexpressed, but what appears to be the real reasons for objecting to the use of the voting machine, nothing will be said, except that which is supported either by documentary evidence now on file in the department, or upon the personal observation of facts and conditions, of those connected with the department, who stand ready to verify their statements, if need be.

Experience has proved that the present method of locating machines is entirely erroneous. As before observed, it is the outgrowth of the desire of the respective members of the Legislature to obtain for their own counties and localities an equitable distributive share of the machines, with the result that they were widely scattered over the whole State, and both the machine and the paper ballot mode of voting have existed in municipalities having more than one voting district, a very unfortunate arrangement. The effect of this method of distribution was also to impress the members of the minority party with the idea that the machines had been so located for the purpose of working some partisan disadvantage to them. This idea was, indeed, in many instances, strengthened by those having charge of their location or of instructing voters in the methods of voting. In many municipalities it was found almost impossible to prevail upon those charged with the duty of instructing voters to give further instructions than became necessary to vote the particular ballot which the instructor desired to see successful. Besides this, the broad distribution of the machines made both inconvenient and expensive the departments' work of installation and instruction. After the second year, the department endeavored, as far as possible, to equip completely a given municipality, and experience has demonstrated that where this has been done and where the instruction has been liberal and impartial, voters find little difficulty in using the machine, and in these localities they have accordingly attained the highest degree of popularity. Nor were the minority or unsuccessful parties the only ones who believed the machines capable of partisan bias. It seems impossible for some minds to conceive of an election unaffected by immoral and illegal practices. Many of those who were successful

at the earlier elections either felt or imagined that perhaps the machine had been to their advantage, and when in 1906 and 1907, in some of the most populous localities, the formerly successful parties found themselves on election night in the minority, they, too, condemned the machine as one that repudiated its former immoral alliances, and forthwith denounced it as a false friend. Members of all parties were altogether too willing to ascribe to the machine a proficiency and a partiality, which, by the very nature of its mechanical construction, they ought to have known it was absolutely incapable of performing.

The machine has, accordingly, been compelled to pay the penalty of offenses which existed only in the imagination of those who believed it capable of doing or sought to have it do an illegal and corrupt act.

With reference to those who are opponents of the voting machine, the department finds that they naturally divide themselves into three general classes; first, those elderly persons who only with difficulty acquire a knowledge of new things and those whose minds have long been trained in the consideration of academic and abstract propositions, to the exclusion of the consideration of all mechanical questions; second, those conservative and those indifferent citizens who object to making the little effort necessary to acquire a knowledge of voting; and, third, undoubtedly the least numerous, but by far the most insistent of all, party agents who receive compensation for distributing ballots, and those who desire to practice some other form of corruption of the ballot.

On this, as well as on all the other points, the department speaks advisedly. Those of the latter class are the least conspicuous but by far the most active of the opponents of the voting machine. They have found open advocates of the abolition of the use of the machines in the members of the two other classes, and lose no opportunity of preying upon their ignorance, their indifference and their prejudices. The elderly and scholarly voters—those whose infirmities are either years, of pride or of too great self-reliance—in attempting to vote find themselves embarrassed in the use of the machine, and naturally become provoked either with themselves or with the machine; or both. Immediately upon leaving the polling room they are frequently sought by the sympathetic but designing vote manipulator, who promptly condemns the “new Abomination,” eloquently appeals for the “good

old ballot of our guileless forefathers," and forthwith converts the recently perplexed voter to open enmity for the voting machine and to unconscious but active and valuable support of the manipulators' schemes. Next comes the indifferent citizen—the one constitutionally opposed to anything new. He is angered at the idea of being compelled to acquaint himself with an unfamiliar thing, and before he even tries to vote, and perhaps before he sees the machine, becomes fertile soil for the ballot manipulator's seed.

But from the vote buyer's and the vote seller's standpoint, the opposition to the machine is well founded. Where voting machines are used their occupation is gone, and they are only endeavoring to protect their illegal calling when they prey upon the unconscious prejudices of honorable men in arousing opposition to the voting machine.

Vote-buying and selling have been practically eliminated, and corrupt manipulation of the ballot box absolutely abolished in the districts where voting machines are used. In one county where the opposition to voting machines is most vigorous, the Prosecutor of the Pleas has advised the department that the opposition originated almost entirely in certain precincts where the alleged purchasable vote had always been very large. In other municipalities where voting machines were used extensively for the first time last year, the department is advised by the chief representatives of each of the political parties that, then, for the first time, the use of money for corrupt purposes at elections was practically eliminated.

It is no uncommon thing to learn of political ward workers appealing to their superiors either to have the machines removed so that they can resort to their old time methods of delivering the vote, or to have a machine located in their district so that the opposing side cannot indulge in vote-buying.

These are facts, either of official record or personal knowledge, and can be multiplied many fold. Political leaders of each party recognize and freely advise the department that the use of the voting machine has done more to purify the ballot than all the other ballot reform laws yet enacted.

There is, perhaps, one real objection to the use of voting machines, which the Legislature might well con-

sider; that is the expense. The cost of these machines, in the opinion of the department, is more than good business would indicate it should be, and it immediately becomes a question whether the security to the ballot afforded by the voting machines is worth the difference between the cost of that ballot and the most approved paper ballot yet devised.

After mature consideration of this question, however, the department has come to the conclusion that in the long run, the voting machine method will probably be found the cheaper one, notwithstanding its first high price.

RECOMMENDATIONS.

The department desires to suggest certain changes in both the laws and the methods heretofore adopted for the location, demonstration and use of the machines.

First, two systems of voting should not exist in the same municipality, and a machine once located should not be removed.

Second, arrangements should be made whereby every voter may have ample opportunity to examine both the operation and the mechanism of the machine in every detail. Every voter should also be provided, before election, with a fac-simile of the face of the machine, showing how the names of the respective candidates will appear thereon on election day.

Third, each election district where machines are used should be supplied with at least one person from each political party who is sufficiently versed in the mechanical construction of voting machines to pass such examinations as the department shall prepare and conduct, and all municipal clerks should either be themselves thus prepared or have some one in their employ who has successfully passed such an examination.

Fourth, abolition of party-levers, especially if the Massachusetts, Montana or Minnesota form of paper ballot should be adopted, is also recommended. In such cases provision should be made that where a candidate of a given party is endorsed for the same office by other parties, his name shall appear only once on the face of the machine, thereby eliminating the use of endorsing bars, a very ingenious and valuable device, but one which election officers seem, in many instances incapable of comprehending.

But the observation of the department is that the present agitation in opposition to voting machines does not look so much to a reform in the methods of their use as to their abolition, and in our free government the will of the people must prevail.

If they are not ready to accept this latest and safest device for the purity of the ballot, this department cannot be a party to urging that it be forced upon them. And, indeed, it would be as impossible as it would be improper to accomplish such a result. But as this department is charged with the care of the election machinery of the State, a duty devolves upon it not only to advise you of such facts and information as come into possession regarding the actual use and working of such machinery, but to urge the adoption of the safest and purest regulations acceptable to the public. All reforms cannot be accomplished in a day, and the present generation cannot be charged either with waning patriotism or low morality if they fail to regard immediately the importance of the voting machine in the same light in which it has appeared to those who have had the superior advantages in viewing both the extent of the election abuses and the efficiency of the proposed remedy, while the conviction cannot be avoided that the root of the present opposition to the voting machine is in the impure motives of the vote manipulator, yet it must not be understood that such motives are at the foundation of the opposition of the great majority of our people. That either this or some equally sure device will eventually be adopted there is not the least doubt. Until that time comes, the safest and most progressive methods which the public will accept should be used, and the best endeavors of the department should be with those friends of the pure ballot who yet oppose the use of the voting machine, in any well directed effort which may be agreed upon to raise our elections to a higher plane of honesty and morality.

It should not be forgotten that, with one or two exceptions, our present paper ballot system has been abandoned by all the northern states. So far as known only two states allow the distribution of ballots outside the polling booth; and herein the gates to bribery, as pointed out in ex-Governor Murphy's inaugural address are thrown widest open. New Jersey, whose laws lead her sister states in so many respects, should at least not be behind

them in safeguarding the purity of the ballot. If the State is not yet ready to take a step in advance of them all, by equipping each polling district with voting machines, it can accept ex-Governor Murphy's alternate suggestion, adopt the blanket ballot, and come abreast with the best of them in protecting the paper ballot.

The election laws of nearly every state are on file in the election division of this department, and are open to the public. A careful consideration of the ballot provisions of these laws has led to a favorable opinion of a combination of the Montana, the Minnesota, or the Massachusetts ballot makes most easy splitting tickets or independent voting. No paper ballot yet devised perhaps completely eliminates the possibility of fraud. Any device containing a proportion of the human element in its operation is liable to err. None of the plans yet suggested, for instance, absolutely does away with the marking of ballots so that they may be reasonably identified either by election officer or voter. But the Ohio ballot, perhaps, successfully prevents the crimes incident to having an official ballot outside the polling booth. It necessarily complicates voting, but it insures reasonable purity, the desirable thing. The Massachusetts, Montana, and Minnesota ballots conduce most easily to independent voting, and it should not be overlooked in considering either of these systems that the voting machine can be arranged to accomplish the same results that are attained by either of these systems. A committee appointed by the Senate last year to consider the most efficient and safest means of voting are to report at the coming session, and their information should be awaited before action is taken. There are many municipalities in the State where the public seem generally satisfied with the use of the voting machine. These people should not be asked to abandon them. For the other districts, let the standard of the paper ballots be raised to the highest point of perfection yet attained.

Respectfully submitted,

S. D. DICKINSON,
Secretary of State.

STATE OF NEW JERSEY.

Department of State.

I, DAVID S. CRATER, Secretary of State of the State of New Jersey, Do Hereby Certify that the foregoing is a true copy of Annual Report of the Secretary of State regarding the Use of Voting Machines, made in pursuance with the provisions of Section 37 of Chapter 215, of the Laws of 1905, and of Chapter 268 of the Laws of 1907, as the same is taken from and compared with the original now remaining on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Twenty-eighth day of June, A. D. 1913.

(Signed) DAVID S. CRATER,
(SEAL) OF THE STATE OF NEW JERSEY *Secretary of State.*

REPORT.

On the fifth of March, of last year, the Senate adopted the following resolution:

Whereas, Elections are conducted in this State by the use of paper ballots and voting machines; and

Whereas, It is thought by many that the paper ballots as used in this State, could be improved, and a better method of using them be provided; and

Whereas, It is alleged that the voting machines do not provide a safe method of voting; and

Whereas, It is wise that these matters be thoroughly investigated and all the facts be brought before the people to the end that the very best method of voting be provided in this State; therefore, be it

Resolved, That a committee, consisting of three members of the Senate, be appointed by the President of the Senate to investigate the entire subject of voting, and the different methods of voting and the different methods of conducting elections, and to report at the next session of the Legislature such recommendation with regard to changes in the election laws of this State as they may deem proper; further

Resolved, That said committee be authorized to employ counsel, stenographers and such other assistants as may

be necessary for such investigation and report, and that all bills contracted by said committee be paid by the Treasurer of the State, upon the warrant of the Comptroller, with the approval of the Governor.

And on the 12th of March, the President of the Senate appointed as members of the committee, Senators Wakelee, Lee and Hillery. Since that time your committee has been making the investigation, as provided for in the above resolution.

We have examined the ballot laws of thirty-five States, together with conditions affecting the ballot laws of our own State, and beg to report as follows:

We are of the opinion that the voting machines now in use should be continued, with the following changes:

(1) In the interest of independent voting we suggest that the party-levers be abolished, and the choice of each candidate shall be indicated by the moving of the candidates' pointers.

(2) There should not be two methods of voting in the same municipality, and the municipalities using machines should be entirely equipped.

(3) The machines should be located in the more populous centers, and should, when once located, be not subject to removal. There should also be provision made for fuller and more ample and impartial instruction to voters, and a broader understanding of the mechanism of the machine on the part of these officials who have to do with their use.

We also find that the paper ballots now used in this State are, with perhaps a single exception, the most unsafe, the farthest removed from the secret ballot, and the most easily manipulated in the interests of fraudulent voting of any paper ballot in use in any northern State.

In our examination of the paper ballots in use in the different States, we have endeavored to gather therefrom the best features of each, and to add thereto any original ideas which seemed to be in the interest of a perfected ballot. In doing this we have first considered in every instance secrecy and protection from possibility of fraud or bribery, convenience and independent voting. In this we have found valuable suggestions in the ballot laws of Massachusetts, New York, Minnesota, Ohio, Michigan, Montana, and the result of our investigations is to recommend a ballot in which the candidates for a given office

are grouped together with the name of the nominating body, in each instance affixed to that of the candidate. These official groups shall be arranged on the ticket horizontally, and provision made for the voter marking his choice for each individual candidate, as is the case in Massachusetts and Minnesota. To lessen the possibility of the voters making ineffective their ballot, through improper marking, we have designated an official marker to be used in place of the customary pencil or pen. To prevent the possibility of the voter depositing a ballot different from one received upon going into the polling booth we have arranged a system of numbered stubs to be affixed to the ballots, the number of which stubs shall correspond to the voter's number on the poll book, and provision is made for comparing the number on the stub with the number on the poll book at the time the ballot is deposited, after which the stub is to be detached and deposited in a separate receptacle, thereby destroying all possibility of further identification of the ballot with the name of the voter.

We have also arranged for the use of separate ballots and ballot-boxes for municipal and for State and County elections. The municipal ballot to be known as the "red" ballot, and the State and County ballot to be known as the "white" ballot.

We have endeavored to develop in the highest degree possible, safe and convenient methods of voting. In preparing to carry out these changes, we found that it would seriously disarrange our present far too much amended election law, and quite recently decided that the most efficient and the speediest way to enact our ideas into statute, would be to revise the whole law regulating elections, and in drafting such a bill we have undertaken to re-arrange and re-classify the provisions of the present act in a manner which we believe will be found more comprehensive and more easily read by the laymen, by eliminating merely technical legal expressions. We have been able to condense the 205 pages of the present law into a bill which will probably not require over 110 to 115 pages. We have not attempted to amend in any material respect the provisions of the present law, except in so far as it affected the use of ballots, but have endeavored to so arrange it that it may serve as an outline and basis for the easy insertion of any amendment or other change,

either in the general elections or the primary act, which the Legislature may desire to make.

We further, with pleasure, report that the committee has been so ably assisted by the Assistant Secretary of State, that we have incurred no expense and have not availed ourselves of the provisions in the resolution for the employment of assistants.

Respectfully submitted,
EDMUND W. WAKELEE,
THOMAS J. HILLERY.

STATE OF NEW JERSEY.

Department of State

I, DAVID S. CRATER, Secretary of State of the State of New Jersey, Do Hereby Certify that the foregoing is a true copy of Report of the Committee to Investigate Ballot Conditions, to the Legislature (Session of 1908), as the same is taken from and compared with the original now remaining on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Twenty-eighth day of June, A. D. 1913.

(Signed) DAVID S. CRATER,
(SEAL) *Secretary of State.*

ANNUAL REPORT.

CAMDEN, N. J.

To the Honorable John Franklin Fort, Governor of New Jersey.

SIR: In presenting the third annual report of the elections division of the Department of State, in which is included the report of voting machines, as provided for by Section 37 of Chapter 215 of the Laws of 1905, I shall attempt to review the work done by the division during the past year.

SPECIAL ELECTION.

Beside providing for the work of the general elections this year, the division was charged with the duty of pro-

viding for the special election held September 14th, to consider amendments to the Constitution, and also of auditing and tabulating the returns for the State Board of Canvassers. In preparing for this election, beside attending to the placing of the advertisements as provided for in the Act authorizing the publication of the notices of the election, the division was charged with the duty of preparing and distributing the ballots, the precinct returns, instructions to election officers, returns for county boards of canvassers, and copies of the Act providing for the special election.

The ballots for this election were $12\frac{1}{2}$ inches by $20\frac{1}{4}$ inches in size, and to secure the legal thickness it was necessary that they be cut from paper weighing fifty pounds to the ream.

At this election, as well as at the general election, this year, there were 1,352 election districts, an increase of 77 over last year. The total number of ballots necessary for the special election was 1,161,400, weighing approximately 20 tons. These ballots, under the Act, were apportioned to the respective counties in the proportion of 250 ballots to every 100 votes cast at the last preceding election for General Assembly, the distribution of which required the use of over 90 packing cases with a gross weight of over 500 pounds average. Besides these official ballots, the law directed that the Secretary of State should furnish to any person who might desire to pay for the same ballots at cost. The cost of these ballots was found to be approximately \$3.00 per thousand, and where quantities less than 1,000 were purchased, a charge of 50 cents a hundred was made. The receipts from this source amounted to \$167.00. There were two precinct returns, two copies of the Act and of instructions to election officers furnished each election district, making a total of 2,704 of each.

PRIMARY ELECTIONS.

The law does not impose on the Department of State any duties in connection with the primary elections beyond the printing of the Acts covering such elections, which is included in our compilation of the election laws. This year, however, because of the manifest importance of the new legislation regulating the selection of mem-

bers of county committees at the primary election, the department prepared and distributed 1,000 copies of the primary election law and its amendments.

GENERAL ELECTIONS.

The election this year was only for county and municipal officers, but the increased number of precincts made the volume of supplies almost equal to the Presidential election of last year, there being 39,383 pieces this year, as against 41,410 last year. These supplies were forwarded to the county clerks in 65 cases averaging approximately, 400 pounds each. The compilation known as the election laws, contained this year 246 pages, and the book of instructions contained 92 pages. Both of these volumes, in pursuance with the practice of the last six years, are compiled in this division, and not by special counsel as theretofore.

There being no State Congressional elections this year, there was no State Canvassing Board for the general election. The auditing of the county election returns, however, has been finished, and the copy is in the hands of the printer.

It is estimated that the volume of election returns for this year will contain about 70 pages.

VOTING MACHINES.

There were in use at the last election, one hundred and ten voting machines, located as follows:

VOTING MACHINES.

Bergen County.

River Side, Borough of.
Demarest, Borough of.

Burlington County.

Burlington, City of.
First ward.
Second ward. Second district.

Second ward. First district.
Third ward.
Fourth ward.
Burlington, Township of.

Camden County.

Camden, City of.
First ward. Sixth district.
First ward. Third district.
First ward. Fourth district.
First ward. Fifth district.
Fifth ward. Fourth district.
Seventh ward. First district.
Seventh ward. Fourth district.
Eighth ward. Fourth district.
Clementon, Township of.

Cape May County.

North Wildwood, Borough of.
Ocean City, City of.
First ward.
Second ward.

Essex County.

East Orange.
Second ward. First district.
Second ward. Second district.
Second ward. Third district.
Third ward. First district.
Third ward. Second district.
Fourth ward. First district.
Fourth ward. Second district.
Fourth ward. Third district.
Fifth ward. Fourth district.

Hudson County.

Bayonne, City of.
First ward. First district.
First ward. Second district.
First ward. Third district.
First ward. Fourth district.

Second ward. First district.
 Second ward. Second district.
 Second ward. Third district.
 Second ward. Fourth district.
 Second ward. Fifth district.
 Third ward. First district.
 Third ward. Second district.
 Third ward. Third district.
 Third ward. Fourth district.
 Third ward. Fifth district.
 Fourth ward. First district.
 Fourth ward. Second district.
 Fourth ward. Third district.
 Fifth ward. First district.
 Fifth ward. Second district.
 Fifth ward. Third district.

Mercer County.

West Windsor, Township of (Dutch Neck).
 Princeton, Borough of, First district.
 Second district.

Middlesex County.

Roosevelt, Borough of.
 Woodbridge, Township of, First district.

Monmouth County.

Asbury Park.
 First ward. First district.
 First ward. Second ward.
 Second ward. First district.
 Neptune City, Borough of.

Passaic County.

Paterson, City of.
 First ward. First district.
 First ward. Second district.
 First ward. Third district.
 First ward. Fourth district.
 Second ward. First district.
 Second ward. Second district.
 Second ward. Third district.

Second ward. Fourth district.
Second ward. Fifth district.
Third ward. First district.
Fourth ward. First district.
Fourth ward. Second district.
Fourth ward. Fourth district.
Fourth ward. Fifth district.
Fifth ward. First district.
Fifth ward. Second district.
Fifth ward. Third district.
Fifth ward. Fourth district.
Sixth ward. First district.
Sixth ward. Second district.
Seventh ward. First district.
Eighth ward. First district.
Eighth ward. Second district.
Eighth ward. Third district.
Ninth ward. First district.
Ninth ward. Second district.
Ninth ward. Third district.
Ninth ward. Fourth district.
Tenth ward. First district.
Tenth ward. Second district.
Eleventh ward. First district.
Eleventh ward. Second district.
Eleventh ward. Third district.

Haledon, Borough of.

Passaic, City of.

Second ward. First district.
Third ward. First district.
Third ward. Second district.
Fourth ward. Second district.
Fourth ward. Fourth district.

Salem County.

Woodstown, Borough of.

Mannington, Township of.

Sussex County.

Sussex, Borough of.

Union County.

Plainfield, City of.

First ward. First district.

Second ward. First district.

Third ward. First district.

Fourth ward. First district.

Elizabeth, City of.

Eleventh ward. Second district.

Roselle, Borough of.

Cranford, Borough of, Second district.

All these machines were duly inspected, in pursuance with the provisions of the statute, before the election, and were found to be in perfect order, except four machines, where rough usage probably in packing had resulted in producing temporary defects, which were promptly repaired by a representative of the voting machine company, without cost to the State, except for traveling expenses of the machinist.

On election morning the office received the report that the voters were unable to move the party-lever of the voting machine located in the first election district of the First ward of Asbury Park. An inspector was immediately sent to examine the machine, but before he arrived the assistant clerk of the town had found the cause of the trouble. A grouping pin had been improperly placed in the machine in such a manner as to prevent the registering of votes. Upon the proper adjustment of this grouping pin, the machine proceeded to work properly.

After the election it was reported that the machine used in the fourth district of the fourth ward of Passaic had falsely registered the vote on column eleven of the machine. This column was one of seven used for electing Freeholder. On opening the machine, column 11 showed a total of six hundred and fifty votes, whereas on the other columns for Freeholder there had been an average of two hundred and seventy-three votes cast. At the expiration of the thirty days provided in the statute for keeping the machine closed, an investigation was made. This investigation developed the fact that the discrepancy was caused by the fact that the local inspector, while preparing the machine for the 1909 election, had failed to reset column eleven, consequently, not only the 1908 vote,

but the 1909 vote, together with the number of times the State inspector had operated the machine in his inspection and adjustment for election, showed on the final result. The poll books for 1908 and 1909 showed a registration of 341 and 275 votes, respectively making a total of 616. Our records show that the inspector had operated this machine forty-three times in his inspection and adjustment for elections. This shows that the machine had been operated 659 times. This result shows that on column eleven, for the two elections, nine votes less than the total registration on the poll book (616) were cast. The local inspector was convinced that he had overlooked the resetting of column eleven.

Since the last general election there have been filed returns of thirty-five special elections under the provisions of Chapter 163 of the Act of 1908. This is the act which provides for a referendum election to consider whether the voting machines located in the election districts shall be used or not. In two of these elections the result was to direct the continuation of the use of the voting machine and in thirty-three to direct its discontinuance.

GENERAL DUTIES.

The correspondence connected with this division has greatly increased even over the volume of the preceding year. The division seems to be called upon more and more for information and advice. In all such instance, while we endeavor to make it understood that the information and advice is unofficial, yet we have endeavored to the best of our ability to serve all those who applied to us. In fact, it has been our effort to make this division of the department, as indeed we have striven to make all divisions, of the greatest possible service to those who may be interested. Our appropriation is, of course, limited, but we have endeavored to obtain from it a maximum efficiency. We called attention in last year's report to the fact that from the information and services furnished by this division, the Senant Committee appointed in 1907 to consider the subject of elections was able to report a complete revision of the election laws without expense to the State, and all information in possession of the division is always available to those who may desire it.

We have endeavored, as during the previous years, to compile legislative and other information from other States, as well as from New Jersey, on all subjects pertaining to elections.

From this it will be found that the volume of legislation and popular discussion of the subject have not abated since our last report, and in many of the States progressive measures looking to more efficient safeguards of the ballot have been adopted, not only in the conduct of general elections, but in the regulation of primaries and of the political party government as well. Some of these, of course, are experimental, and some are founded on the experience of other States. Perhaps the most important of the latter class is the step forward taken by Connecticut, which abandoned the ranks of the small number of States which still adhere to the use of ballots outside the polling booth, and adopted a ballot with regulations very similar to those in use in New York State, the new law to take effect the first of January, 1910. This leaves only Georgia, New Jersey, New Mexico, North Carolina, and South Carolina using official ballots outside the polling booth. Many cities in Connecticut have also adopted the use of the voting machines. In such cases they have adopted the very sane and rational rule of leaving the use of voting machines to be determined entirely by the municipalities, and to be purchased and owned by them. Where voting machines are adopted by any municipality in that State, their use becomes universal within its territory.

Several States have also taken advanced positions in primary reform, and in the official regulation of party organization. In this latter respect New Jersey, by legislative enactment of last winter, opened the way for a higher standard of party politics by providing for limited regulation of such organizations by State law.

Respectfully submitted,

S. D. DICKINSON,
Secretary of State.

STATE OF NEW JERSEY.

Department of State.

I, DAVID S. CRATER, Secretary of State of the State of New Jersey, Do Hereby Certify that the foregoing is a true copy of Annual Report of the Election Division of the Department of State, including the Report on Voting Machines, as the same is taken from and compared with the original now remaining on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Twenty-eighth day of June, A. D. 1913.

(Signed) DAVID S. CRATER,
Secretary of State.

(SEAL)

OFFICE OF THE BOARD OF ELECTION COMMISSIONERS OF THE
CITY OF CHICAGO, ILLINOIS, CITY HALL.

Specifications for the Furnishing of Voting Machines.

Sealed bids are invited by the board of Election Commissioners of the City of Chicago, Illinois, for the proposed purchase of voting machines by said Board in accordance with and subject to the requirements of the following specifications:

1st. All persons, firms or corporations filing bids as above requested will be required to specify in bid:

(A) That the bidder has placed on exhibition in the office of the Board of Election Commissioners of the City of Chicago, Illinois, a voting machine that in every way meets the requirements of the Illinois Election Laws and the Illinois Voting Machine Law, and is in every particular the same as offered and specified in said bid; except, that for the purposes of exhibition the number of voting keys on such exhibited machine may be less than seventy (70), and the number of party columns may be less than nine (9), for such exhibition purposes only.

(B) That the machine offered and specified in bid shall *in every way meet the requirements of the Illinois Election Laws and the Illinois Voting Machine Law*, and shall contain at least nine (9) party columns with at least seventy (70) voting keys or devices for each column such as may be used on said machine for voting for at least seventy (70) candidates in each column; also sufficient keys or devices for voting upon at least twelve (12) propositions at one and the same election.

(C) A price to be charged F. O. B. Chicago for the machine described in sub-section B.

(D) That the type of machine placed on exhibition has been examined and approved by the voting machine commissioners of the State of Illinois.

(E) That the machine offered and specified in bid shall be one approved and certified to by the Voting Machine Commissioners of the State of Illinois.

(F) That the machine so offered and specified has been set, equipped and arranged *in accordance with the requirements of these specifications*.

(G) That the bidder agrees to comply fully and in a manner to facilitate any procedure of the said Board of Election Commissioners relating to the examination, the manipulation or the handling in any way of the machine exhibited by said bidder, so far as the Board may deem fit for its information and guidance.

(H) That the machine offered and specified in bid is as fully and completely equipped with all appurtenances relating to its use at election as if the same was actually to be used at an election, showing the ballot (candidates and propositions) as furnished by this Board.

(I) That the price named in bid shall include a box or case for enclosing each machine that may be purchased, for use in handling, storing or transporting the same; the box or case so specified to be offered and exhibited at the same time the machine is exhibited.

(J) The conditions, terms, payments, guarantees, etc., explicitly and in full detail, upon which such machine is offered; such specifications as to payment to be particularized as to the method, time, amount, interest, etc.

(K) The number of machines that are to be furnished, delivered and equipped in every particular for use at elections shall be as follows and in the following installments:

1st Installment: Not to exceed two hundred (200) at or before the expiration of four (4) months after the date of the signing of the contract.

2nd Installment: Not to exceed three hundred (300) more at or before the expiration of nine (9) months after the date of the signing of the contract.

3rd Installment: Not to exceed five hundred (500) more at or before the expiration of sixteen (16) months after the date of the signing of the contract.

Balance and Final Installment: At or before the expiration of twenty-one (21) months after the date of the signing of the contract.

(L) The weight, width, length and height of machine offered and specified as equipped for voting; also the same data for box or case with said machine enclosed therein.

(M) The consent of bidder that the machine exhibited shall be delivered over to the Board of Election Commissioners at its discretion after said machine has been delivered as required herein, and prior to the award of bid, for such time as said Board may deem proper,

for not exceeding fifteen days, unless with bidder's further consent, for the purpose of permitting the machine to be examined by said Board, or its agents, experts or employes.

(N) That the bidder whose machine is selected as the one to be purchased shall be required, after such favorable action of the Board is known and before the contract is entered into, to submit, deliver and furnish to the Board a sample of the machine actually offered for sale, containing not less than nine (9) party columns and seventy (70) voting keys, for final examination by the Board to determine whether the machine offered for sale will fulfill all the tests and meet all the claims and requirements of the same type of machine which was on exhibition and which was favorably acted upon.

(O) Bidder's consent that, for the purpose of aiding in determining the relative advantages claimed for the machine offered and specified in bid, the machine so offered by said bidder may be examined, under the supervision of this Board and for its information, *by any other bidder or representative thereof, or by any citizen or any representative of any civic body.*

(P) The different states in which machine offered and specified in bid has been examined and approved by the Official Board or officer designated by the law to do the same; also the official title of the said Board or officer, and where located.

(Q) Of what metal or material machine is constructed; this to include frame, counters, bars, pointers, and any and all parts relating to the machine in its entirety, and the finish of same; also whether machine is painted or enameled.

(R) Any method, form or device, used for instructing voters, and whether or not same is furnished with each machine at the price named in bid for said machine; or, if an additional price is to be made for said method, form, or device, and, if so, what price.

Note: While the bidder is permitted by the specifications to exhibit a machine of less than nine (9) party columns and seventy (70) voting keys or devices for each column, it is preferred that a machine of at least nine (9) party columns and having seventy (70) voting keys or devices for each column, which is to be bought, should be exhibited.

2nd. At the time of opening the bids filed as requested

herein, and during their consideration and until the same are disposed of, bidder will be required to have present at least one accredited and authorized agent, who shall also be competent to operate and explain in the fullest detail, the operation, manipulation, arrangement and adjustment of the machine offered and specified in bid.

3rd. All reading matter required to appear on machines, so far as the same relates to instructions, names of candidates, propositions, etc., to be in printed form; no written or typewritten matter to be used for this purpose.

4th. All machines offered and specified in bids are required to meet all conditions in every detail as to construction, operation, guarantees, etc., and all requirements of the Voting Machine Law of the State of Illinois; and to permit of voting for candidates and propositions upon said machines in accordance with the requirements of the laws of the State of Illinois.

5th. Copies of the Voting Machine and Election Laws shall be furnished by this Board at this office, and *these laws are hereby made a binding part of these specifications.*

6th. Bids are requested for the furnishing of voting machines to the number of twelve hundred (1,200); provided, however, that this Board shall have the right, if it deems advisable, to contract for the purchase of any less number than twelve hundred (1,200), or any portion of said number, upon the same proportionate terms. It is provided further, that after the purchase and delivery of the final installment named in Section K, this Board, if it so desires, may purchase, and the bidder agrees to furnish, additional machines at no higher price than the price named in the original contract.

7th. Bidders will be required to display on machines exhibited and specified in bid a ballot (candidates and propositions) voted in Congressional and Senatorial districts at elections in the City of Chicago; the ballot so displayed to show the same relative order of party appellations and columns, also propositions, as appears upon sample ballot furnished by this Board; such columns, however, may be vertical or horizontal, or whatever form the bidder may deem advisable. The arrangement of offices and candidates on the ballot so displayed to be as nearly as possible in the same order as that appearing

upon the sample ballot furnished. Provided, however, that for the office of Representative in the General Assembly the machine exhibited shall permit the voter to cast:

Three votes for one candidate.

One and one-half votes for each of two candidates.

One vote for each of three candidates.

Two votes for one candidate and one for another candidate.

8th. The machine to be exhibited will be required to be delivered to the offices of the Board of Election Commissioners ready and equipped in every particular to vote the sample ballot of this Board, (candidates and propositions) displayed thereon at or before the date upon which the bids are required to be filed with this Board.

9th. Each bidder will be required to display on the machine as many different tickets, showing offices, candidates and propositions for as many different elections already held or to be held as the Board of Election Commissioners may direct; this for the purpose of *demonstrating the adaptability of the machine to the requirements for voting as necessitated by the several elections required to be conducted by said Board.*

10th. Machines exhibited in compliance with these specifications will be at the responsibility and risk of the owner during the time they are on such exhibition, and free of any expense whatever to the Board of Election Commissioners.

11th. Bidders will be required, at or before the time of filing bids as set forth herein, to furnish to the Board of Election Commissioners for the machine offered and specified in bid, nine printed, separate and complete copies of the following, to wit:

Instructions to voters.

Instructions for setting up machine and taking down the same.

Instructions for preparing machine for voting at elections.

Instructions for grouping machine.

Instructions for restricted voters.

Instructions for locking or securing counters, etc., and safeguarding them during the progress of election.

Instructions for locking machine against operation after close of polls.

Instructions for taking off vote at the close of election.

Instructions for boxing machine for storage and transporting.

Note: Any matter or instructions additional to the above nine may be added as in the discretion of the bidder may be deemed pertinent or explanatory relating to the handling, operation or merits of the machine. Such additional matter is to omit anything in the nature of advertising or argument. All of the nine copies of the required instructions are to be filed flat, and each copy and set of nine to be marked so as to be readily identified. It is desired that particular care and attention be given to the filing of these documents, etc., as their usefulness will depend largely on the convenience of their arrangement and identification marks. It is especially requested that none be filed in roll shape, but in the manner designated.

Also: *Five separate, full and complete plans, photographs, prints or blue prints, showing drawings of every part or piece of machine specified in bid, and method of assembling same.*

Also: Five separate photographs, mounted on heavy ledger paper, of machine, showing same set up and ready for voting.

Note: Size of paper on which photographs are to be mounted to be 12x15 inches. Each of the drawings and photographs to be filed flat. Mark each plan, photograph, print, etc., and set of same, sufficiently to make it readily identified.

12th. Each bid is required to be accompanied by a certified check in the sum of five per cent. (5%) of the bid, payable at a bank, (State or National) located in the City of Chicago, Illinois, to the Chairman of the Board of Election Commissioners of the City of Chicago, Illinois, as an evidence of the good faith of said bidder, guaranteeing the performance of any provisions set forth in said bid. *Said check to be returned to said bidder upon the announcement of the award of contract by the said Board of Election Commissioners.* Provided, that said check shall not be returned to the successful bidder until the contract has been executed and the bonds approved; and provided, further, that said check shall be forfeited in the event that the successful bidder fails to enter into and sign the contract awarded to him, and fails to furnish the required bond.

13th. The person, firm or corporation to whom award of bid is made will be required to enter into a contract for the furnishing of any machine or machines purchased by said Board of Election Commissioners of the City of Chicago, and to execute to said board, subject to its approval, a surety company or guaranty company bond in the sum of at least two hundred and fifty thousand dollars (\$250,000) guaranteeing the faithful performance of such contract; also guaranteeing said board to keep said machines in good working order for five (5) years from the respective dates of purchase thereof without additional cost to said board, as provided by the Illinois Voting Machine Act in force July 1, 1903; also guaranteeing said board against any costs or loss of any kind, including attorneys' and experts' fees, occasioned by any litigation relating to any infringement of any patents, device or mechanism used on or about the machines purchased by said board; also guaranteeing to defend said Board against any action or actions at law that may be brought against it by reason of any infringement of patent or patents used on or about said machines, upon notice from said Board of the commencement of any such action or actions; and guaranteeing said board against all damages and costs that may be occasioned by said action or actions.

14th. The use and benefits of all future patents and improvements applicable to and an advancement upon the process and functions of this machine to inure to this board without additional costs, except a reasonable price for the labor and materials employed in such improved device.

15th. Bids are required to be filed with the Board of Election Commissioners of the City of Chicago, Illinois, at its office, at or before the hour of ten o'clock a. m., Monday, May 22d, 1911.

16th. Bids are required to be submitted upon forms prepared and supplied by this Board. Said forms may be had upon application on or after the date of the publication of notice for sealed proposals for said voting machines.

17th. Bids are required to be enclosed in sealed envelopes addressed to the "Board of Election Commissioners of the City of Chicago, City Hall, Chicago, Illinois." And on the face of said envelope there shall be entered the name and address of the person, firm or cor-

poration submitting said bid, and the endorsement, "bid for voting machines." Such envelope will be furnished at the time application is made for form for submitting bid.

18th. A public exhibition of all machines of bidders will be conducted by the Board of Election Commissioners at such times prior to the award of bid as said board may determine. At all such exhibitions the bidder will be required to have present a person competent to demonstrate in every particular the operation of the machine offered in bid.

19th. The Board of Election Commissioners reserves the right to make any requirements in addition to those contained in specifications herewith, as may, in the judgment of said Board, be deemed advisable for its information and guidance in the proposed purchasing of voting machines asked for herein.

20th. The insertion herein or in specifications for said machines of any explicit or express requirements or conditions shall in no wise be considered as a waiver of any of the statutory requirements laid down in the statute of Illinois concerning voting machines, or any amendment thereof, or of the election laws of this state.

21st. The said Board of Election Commissioners reserve the right to reject any or all bids.

(Signed) CHARLES H. KELLERMANN,
Chairman.

ANTHONY CZARNECKI,
Secretary.

HOWARD S. TAYLOR,
*Board of Election Commissioners of
the City of Chicago, Illinois.*

WILLIAM H. STUART,
Chief Clerk.

Chicago, Illinois, April 27, 1911.

CERTIFICATE OF INCORPORATION OF EMPIRE VOTING MACHINE
COMPANY.

We, the undersigned, all being persons of full age, and at least two-thirds being citizens of the United States, and at least one of us a resident of the State of New York, desiring to form a stock corporation, pursuant to the provisions of the Business Corporations Law of the State of New York, do hereby make, sign, acknowledge and file this certificate for that purpose, as follows:

I. The name of the proposed corporation is Empire Voting Machine Company.

II. The purposes for which it is to be formed are, to manufacture, purchase, sell and deal in, voting machines, and other machinery and tools of all kinds; to buy, or otherwise acquire, any inventions, improvements and processes, and any Letters Patent, licenses and trade marks, of the United States, relating to, or useful in connection with, the manufacture or sale of such voting machines and other machinery and tools, and to use, exercise, develop and grant licenses, in respect to such inventions, improvements and Letters Patent; to purchase, acquire, hold and dispose of the stocks, bonds and other evidences of indebtedness of any corporation, domestic or foreign, and issue in exchange therefor its stocks, bonds or other obligations and to do all and everything necessary, suitable and proper for the accomplishment of any of the purposes, the attainment of any of the objects, or the furtherance of any of the powers hereinbefore set forth, either alone or in association with other corporations, firms or individuals, and to do every other act or acts, thing or things, incidental or appurtenant to, or growing out of, or connected with the aforesaid business or powers, or any part or parts thereof, provided the same be not inconsistent with the laws under which this corporation is organized.

III. The amount of the capital stock is Two Million Dollars, (\$2,000,000.00).

IV. The number of shares of which the capital stock shall consist is twenty thousand (20,000) of the par value of one hundred dollars (\$100.00) each, and the amount of capital with which the corporation will begin business is one hundred thousand dollars (\$100,000.00).

V. Its principal business office is to be located in the City of Rochester, County of Monroe and State of New York.

VI. Its duration is to be perpetual.

VII. The number of its Directors is to be seven (7), and it is hereby provided, pursuant to law, that directors are not required to be stockholders.

VIII. The names and post-office addresses of the Directors for the first year are as follows:

Names.	Post-office Addresses.
Gustav Erbe,	Rochester, New York.
Carl F. Lomb,	Rochester, New York.
Daniel B. Platt,	Rochester, New York.
John Condon,	Chicago, Illinois.
Adam Andrew,	San Francisco, California.
Ernest H. Tripp,	Indianapolis, Indiana.
John B. Cockrum,	Indianapolis, Indiana.

IX. The names and post-office addresses of the subscribers to the certificate, and a statement of the number of shares which each agrees to take in the corporation, are as follows:

Names.	Post-office Addresses.	No. of Shares.
Carl F. Lomb,	Rochester, New York.....	100
Daniel B. Platt,	Rochester, New York.....	100
Adam Andrew,	San Francisco, California.....	100
Ernest H. Tripp,	Indianapolis, Indiana.....	100

In Witness Whereof, we have made, signed, acknowledged and filed this certificate in duplicate.

Dated, this 25th day of March, 1908.

CHARLES F. LOMB,
DANIEL B. PLATT,
ADAM ANDREW,
ERNEST H. TRIPP.

STATE OF NEW YORK, }
COUNTY OF MONROE, } ss.
CITY OF ROCHESTER, }

On this 25th day of March, 1908, before me, personally came Carl F. Lomb, Daniel B. Platt, Adam Andrew and Ernest H. Tripp, to me personally known and known to be the persons described in and who made and signed the foregoing certificate and severally duly acknowledged to

me that they had made, signed and executed the same for the uses and purposes therein set forth.

G. P. WOLCOTT,
Notary Public.

(Endorsed) Certificate of Incorporation of Empire Voting Machine Company. Dated, March 25th, 1908. Tax for privilege of organization of this Corporation. \$1000. Under Section 448, Laws of 1901. Paid to State Treasurer before filing. State of New York. Office of Secretary of State. Filed and recorded Mar. 26, 1908. John S. Whalen, Secretary of State.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE. } ss.

I have compared the preceding with the original Certificate of Incorporation of Empire Voting Machine Company, filed and recorded in this office on the 26th day of March, 1908, and do hereby certify the same to be a correct transcript therefrom and of the whole of said original.

Witness my hand and the seal of office of the Secretary of State, at the City of Albany, this tenth day of September, one thousand nine hundred and thirteen.

(SEAL) JOSE S. PIDGEON,
Second Deputy Secretary of State.

EMPIRE VOTING MACHINE COMPANY. CERTIFICATE OF PAYMENT OF ONE-HALF OF CAPITAL STOCK.

We, the undersigned, being a majority of the Directors of the Empire Voting Machine Company, a corporation formed under the provisions of the Business Corporations Law of the State of New York, do hereby certify:

That the amount of the capital stock of said corporation is Two Million Dollars (\$2,000,000.00), and that more than one-half thereof has been paid in.

In Witness Whereof, we have made, signed and acknowledged this certificate in duplicate, and have hereunto set our hands this 25th day of February, 1909.

CHARLES F. LOMB,
GUSTAV ERBE,
DANL. B. PLATT,
JOHN B. COCKRUM,
Majority of Directors.

STATE OF NEW YORK, }
 COUNTY OF MONROE, } ss.
 CITY OF ROCHESTER. }

On this 25th day of February, 1909, before me personally came Carl F. Lomb, Gustav Erbe and Daniel B. Platt, to me personally known and known to me to be the persons described in and who executed the foregoing certificate and severally acknowledged to me that they executed the same.

HELEN E. CLOSE,

(SEAL)

Notary Public.

My commission expires March 30, 1909.

STATE OF INDIANA, }
 COUNTY OF MARION, } ss.
 CITY OF INDIANAPOLIS. }

On this 1st day of March, 1909, before me, the subscriber, personally appeared John B. Cockrum, to me personally known and known to me to be one of the persons described in and who executed the foregoing certificate, and he duly acknowledged to me that he executed the same.

DRUSIE HINCHMAN,

(SEAL)

Notary Public, Marion County, Indiana.

My commission expires October 27, 1910.

STATE OF INDIANA, {
 MARION COUNTY. } set.

I, Leonard M. Quill, Clerk of the County of Marion, in the State of Indiana, and also Clerk of the Circuit Court, within and for said County and State, the same being a court of record, and having a seal, do hereby certify that Drusie Hinchman, whose name is subscribed to the jurat to the annexed instrument, was at the time of taking such jurat, to wit: March 1st, 1909, an acting notary public within and for the county aforesaid, duly commissioned and qualified, and authorized by the laws of the State of Indiana, to take and certify the same, as well as to take and certify all affidavits, and the acknowledgment and proof of deeds or conveyances, and all other instruments of writing.

And further, that I am well acquainted with the handwriting of said Drusie Hinchman and verily believe that the signature to said Certificate or Proof of Acknowledgment or Jurat is genuine, and that said instrument is executed and acknowledged according to the laws of the State of Indiana.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said court and county, at Indianapolis, Indiana, this 6th day of Mch., A. D. 1909.

LEONARD M. QUILL,
Clerk.

(SEAL)

STATE OF NEW YORK, }
COUNTY OF MONROE, } ss.
CITY OF ROCHESTER. }

Carl F. Lomb and Daniel B. Platt, being severally duly sworn, each for himself, deposes and says: that he, the said Carl F. Lomb, is the President of the Empire Voting Machine Company, and that he, the said Daniel B. Platt, is the Secretary thereof, and that the statements contained in the foregoing certificate are true.

CARL F. LOMB,
DANL. B. PLATT.

Subscribed and sworn to before me this 3rd day of March, 1909.

HELEN E. CLOSE,
Notary Public.

(SEAL)

My commission expires March 30, 1909.

(Endorsed) Certificate of Payment of one-half of Capital Stock of Empire Voting Machine Company. Dated, February 25, 1909. State of New York, Office of Secretary of State. Filed and recorded Mar. 13, 1909. Samuel S. Koenig, Secretary of State.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.

I have compared the preceding with the certificate under Section 5 of the Business Corporations Law of Empire Voting Machine Company, filed and recorded in this office on the 13th day of March, 1909, and do hereby cer-

tify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of State, at the City of Albany, this tenth day of September, one thousand nine hundred and thirteen.

(SEAL) JOSE S. PIDGEON,
Second Deputy Secretary of State.

EMPIRE VOTING MACHINE COMPANY. CERTIFICATE CHANGING BUSINESS OFFICE FROM ROCHESTER, NEW YORK, TO JAMESTOWN, NEW YORK.

We, the undersigned, being the President, Secretary and a majority of the directors of Empire Voting Machine Company, a stock corporation organized under the laws of the State of New York, do hereby certify, pursuant to the provisions of Section 13 of the Stock Corporation Law, as follows, to wit:

That a duly called special meeting of the stockholders of said corporation was held at the principal office in the City of Rochester, New York, on the 15th day of November, 1910, at which stockholders owning ten thousand one hundred shares of the stock of such corporation were present in person or by proxy;

That at said meeting the following resolution was duly adopted;

“Resolved, That the principal office and place of business of this corporation be, and the same hereby is, changed from the City of Rochester, New York, named in its Certificate of Incorporation, to the City of Jamestown in the County of Chautauqua, New York, and that the President, Secretary and directors be authorized, and they hereby are authorized and directed, to effect such change pursuant to law.”

We further certify:

First. That the name of said corporation is Empire Voting Machine Company.

Second. That its principal office and place of business was originally, and is still, in the City of Rochester, County of Monroe, New York.

Third. That it is desired to change its said principal office and place of business to the City of Jamestown, County of Chautauqua, New York, and that it is the pur-

pose of said corporation to actually transact and carry on its regular business from day to day at such place.

Fourth. That such change has been authorized by a vote of the stockholders of said corporation at a special meeting of the stockholders called for that purpose, as above set forth.

Fifth. That the names of the Directors of said corporation and their respective places of residence are as follows, to wit:

Names.	Residences.
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Carl F. Lomb,	Rochester, New York.
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Gustav Erbe,	Rochester, New York.
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Daniel B. Platt,	Rochester, New York.
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John Condon,	Chicago, Illinois.
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Adam Andrew,	San Francisco, California.
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Ernest H. Tripp,	Indianapolis, Indiana.
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John B. Cockrum,	Indianapolis, Indiana.
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In Witness Whereof, We make, sign and verify this Certificate in triplicate this 5th day of December, 1910.

CARL F. LOMB,
President.

DANL. B. PLATT,
Secretary.

CARL F. LOMB,
DANL. B. PLATT,
GUSTAV ERBE,
ERNEST H. TRIPP,
JOHN B. COCKRUM,
A Majority of Directors.

STATE OF NEW YORK, }
COUNTY OF MONROE. } ss.

Carl F. Lomb, Gustav Erbe and Daniel B. Platt, being duly and severally sworn, each for himself deposes and says: that he has read the foregoing certificate and knows the contents thereof; that the same is true to the best of his knowledge, information and belief; that said Carl F. Lomb is the president of Empire Voting Machine Company, the corporation mentioned and described in said certificate; that said Daniel B. Platt is the Secretary thereof, and that said corporation has seven directors, whose names and residences are stated in said

certificate and that deponents and one other director constitute a majority of said Directors.

CARL F. LOMB,
DANL. B. PLATT,
GUSTAV ERBE.

Sworn to before me this 5th day of December, 1910.

F. W. PECK,
Notary Public, Monroe County.

STATE OF INDIANA, }
COUNTY OF MARION, } ss.
CITY OF INDIANAPOLIS. }

Ernest H. Tripp and John B. Cockrum, being duly and severally-sworn, each for himself deposes and says: that he has read the foregoing certificate and knows the contents thereof; that the same is true to the best of his knowledge, information and belief; that Carl F. Lomb is the President of Empire Voting Machine Company, the corporation mentioned and described in said certificate; that Daniel B. Platt is the Secretary thereof, and that the said corporation has seven directors whose names and residences are stated in said certificate, and that deponent and two other directors constitute a majority of said directors.

ERNEST H. TRIPP,
JOHN B. COCKRUM.

Sworn to before me this 13th day of December, 1910.

DRUSIE HINCHMAN,
(SEAL) *Notary Public, Marion Co., Ind.*

My commission expires October 27, 1914.

STATE OF INDIANA, {
MARION COUNTY. } set.

I, Leonard M. Quill, Clerk of the County of Marion, in the State of Indiana, and also Clerk of the Circuit Court, within and for said County and State, the same being a court of record, and having a seal, do hereby certify that Drusie Hinchman, whose name is subscribed to the acknowledgment to the annexed instrument, was at the time of taking such acknowledgment, to wit: December 13,

1910, an acting notary public within and for the county aforesaid, duly commissioned and qualified, and authorized by the laws of the State of Indiana, to take and certify the same, as well as to take and certify all affidavits, and the acknowledgment and proof or deeds or conveyances, and all other instruments of writing. And further, that I am well acquainted with the handwriting of said Drusic Hinchman and verily believe that the signature to said Certificate or Proof of Acknowledgment or Jurat is genuine, and that said instrument is executed and acknowledged according to the laws of the State of Indiana.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said Court and County, at Indianapolis, Indiana, this 16th day of December, A. D. 1910.

LEONARD M. QUILL,
Clerk.

(SEAL)

(Endorsed) Empire Voting Machine Company. Certificate changing business office from Rochester, N. Y., to Jamestown, N. Y. Dated December 5th, 1910. State of New York, Office of Secretary of State. Filed and recorded Dec. 22, 1910. Samuel S. Koenig, Secretary of State.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.

I have compared the preceding with the original Certificate of Change of Location of the Empire Voting Machine Company, filed and recorded in this office on the 22nd day of December, 1910, and do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of State, at the City of Albany, this tenth day of September, one thousand nine hundred and thirteen.

JOSE S. PIDGEON,
Second Deputy Secretary of State.

(SEAL)

HOUSE JOINT RESOLUTION No. 23.

Offered by Mr. Butts, April 9, 1913.

WHEREAS, An Act was passed by the 43rd General Assembly amending the general election law of this State, entitled, "An Act to provide for the use of voting machines at elections for casting, registering, recording and counting ballots or votes. Also creating a board of voting machine commissioners and defining its duties." (Approved May 14, 1903. In force July 1, 1903.)

Sec. 430. Submission of question of adopting voting machines—Construction of machine—Requirements specified.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any body or board of public officials, or any other officer or officers charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, incorporated town, county, precinct, election district or other civil division of the State, may at any general or special election submit a proposition to the qualified voters thereof to adopt a voting machine or voting machines, and whenever a majority of the electors of any such city, village, incorporated town, county, precinct, election district or other civil division voting upon said proposition shall have declared therefor may purchase or lease a voting machine or voting machines for any or all of the election precincts for which he, it or they are by law charged by law with the duty of providing material and supplies for holding an election or elections, at the expense of the city, village, incorporated town, county, precinct, election district or other civil division of the State now chargeable by law with the expenses of the material and supplies for holding general elections in such civil division or divisions. If the question of using voting machine or voting machines be not submitted to the voters by the proper public officials, a petition signed by ten per cent of the voters of any city, village, incorporated town, county, precinct, election district, or other civil division of the State and addressed to them at least 60 days before

any general election asking the submission of the question of adopting a voting machine or voting machines shall compel the submission of the question to the voters at that election. Use of such machines may be discontinued or resubmission of the question and a vote in favor thereof at any subsequent election: *Provided, and however,* that no such voting machine shall be used, purchased, leased or adopted until the board of voting machine commissioners hereinafter provided for, or a majority thereof, shall have made and filed a report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector to vote for all candidates for whom he is entitled to vote and prevent him from voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate and in that event permit him to cast only as many votes for that candidate as he is by law entitled and no more; that it prevents the elector from voting for more than one person for the same office unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled and no more; and that such machine will register correctly by means of exact counters every vote cast for the regular tickets thereon; and has the capacity to contain the tickets of seven political parties with the names of all the candidates thereon, together with all propositions to be voted upon except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot label in each party column or row shall contain only the words "Presidential Electors," preceded by the party name. That all votes cast on the machine on a regular ballot or ballots shall be registered; that

voters may by means of irregular ballots or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; then when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector can not vote for any name on the machine for the same office; that each elector can, understandingly and within the period of one minute, cast his vote for all candidates of his choice; that in case the machine is so constructed that the candidates for presidential electors of any party can be voted for only by voting for the ballot label containing the words "Presidential Electors," by voting an irregular ticket as hereinafter defined the elector may vote for any person or persons he may choose for presidential electors; that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it can not be tampered with or manipulated for any fraudulent purpose; that the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate: *Provided, also*, that no such machine or machines shall be purchased unless the party or parties making the sale shall guarantee in writing to keep the machine or machines in good working order for five years without additional cost and shall give a sufficient bond conditional to that effect.

Sec. 431. Machines must meet all requirements specified.] Sec. 2. The voting machine or machines to be used, adopted, leased or purchased as herein provided must be so constructed as to meet all requirements specified in this Act.

Sec. 432. Board of voting machine commissioners—Terms of office—Examination of machine—Report—Approval—Compensation.] Sec. 3. The Secretary of State and two persons appointed by the Governor, who shall be mechanical experts and not members of the same political party, shall constitute a board of voting machine commissioners. Their term of office shall be four years, except that the commissioners appointed by the Governor shall be subject to removal at his pleasure and that any Secretary of State on surrendering the duties of his office shall be succeeded on the board by

the succeeding Secretary of State. If the office of Secretary of State for any reason shall become vacant the Attorney General of the State shall be a member of the board until the office of Secretary of State is filled. No member of the board shall have any interest in any voting machine. Any person or corporation owning or being interested in any voting machine may apply to said board to examine such machine and report on its accuracy, efficiency, capacity and safety. The commissioners shall examine the machine and make full report thereon in the office of the Secretary of State. They shall state in the report whether or not the kind of machine examined complies with the requirements of this Act and can be safely used by voters at elections under the conditions prescribed in this Act. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the board and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved any improvement or change that does not impair its accuracy, efficiency, capacity or safety shall not render necessary a re-examination or reapproval thereof. Any form of voting machine not so approved can not be used at any election. Each of the two mechanical experts on the board shall be entitled to one hundred dollars (\$100) for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which sum may be demanded in advance of making the examination, and which shall be the sole compensation to be received by any such expert. The board may, if it consents to do so, go to any point in the State for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the State: *Provided*, that each of the two commissioners appointed as mechanical experts shall not receive and retain to exceed fifteen hundred dollars (\$1500) and reasonable expenses in any one year, and all sums collected for such examinations over and above said maximum salaries and reasonable expenses shall be turned into the State treasury.

Experimental use permitted.] Sec. 4. The authorities of any city, village, incorporated town, county, precinct, election district or other civil division authorized

by section 1 of this Act to adopt a voting machine or voting machines may provide for the experimental use, at any election or elections, in one or more election precincts, of a machine which it might lawfully adopt, without a formal adoption thereof, and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 434. How payment for machine may be provided for.] Sec. 5. The local authorities, on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment therefor in such manner as may be deemed for the best interest of the city, village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

Sec. 435. Election precinct in which machines used—Number of voters—Re-division of precincts.] Sec. 6. For any election in any city, village, incorporated town, county, election district or other civil division in which voting machines are to be used, the election precincts in which such machines are to be used may be created by the officers charged with the duty of creating election precincts so as to contain as near as may be six hundred votes each. Such re-districting or re-division shall be made, under such regulations as to time and manner as are now provided by law. Thereafter, so long as voting machines are (are) used, no re-division of such election precincts shall be made until at some general election the number of votes cast in one or more of such precincts shall exceed seven hundred.

Sec. 436. Supplying precincts with machine.] Sec. 7. The local authorities adopting a voting machine or voting machines shall, as soon as practicable thereafter, provide for each polling place a voting machine in complete working order, and shall thereafter preserve and keep it in repair, and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each election precinct with a voting machine at

the election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precinct or precincts within the city, village, incorporated town, county, election district or other civil division, as the officers adopting the same may direct.

Sec. 437. How machines shall be placed in room—One minute for voting.] Sec. 8. The room in which the election is held shall have a railing separating the part of the room occupied by the judges and clerks of election from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers. The voting machine shall be placed at least three feet from every wall and partition of the polling place and at least four feet from any election officer or table used by them, and it shall be so placed that no person on the opposite side of the railing can see or determine from the outside of the room how the voter casts his vote. After the opening of the polls the election judges shall allow no person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as is provided in the next succeeding section of this Act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any other person to remain in any position or near any position that would permit one to see or ascertain how a voter votes or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if any voter shall refuse to leave after the lapse of that time, he shall at once be removed by the election officers or upon their order.

Sec. 438. Where voter can not read or is unable to use machine—Intoxicated person.] Sec. 9. Any voter who may declare upon oath that he cannot read the English language, or that by reason of physical disability he is unable to use the voting machine, shall, upon request, be assisted by two of the election officers of different parties to be selected by the judges and clerks of the precincts in which they are to act, to be designated by the judges of election at the opening of the polls. Such officers, in the voter's presence and in the presence or each other, shall register his vote upon the machine for

the candidates of his choice, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll list after the name of any elector who received such assistance in registering his vote a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in registering his vote.

Sec. 439. Where voter asks for instruction concerning manner of voting.] Sec. 10. In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two judges of opposite political parties shall give such instructions to him; but no judge or other election officer, or person assisting an elector, shall in any manner request, suggest or seek to persuade, or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

Sec. 440. Ballot label.] Sec. 11. That portion of cardboard, paper or other material, placed on the front of the machine and containing the names of the candidates, or a statement of the proposed constitutional amendment or other question or proposition to be voted on, shall be known in this Act as a ballot label. The ballot label shall be supplied by the official or officials charged by law with providing material for the holding of an election or elections and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type, as large as the space will reasonably permit. The party name or other designation shall be prefixed to the list of candidates of such party. The order of the lists of candidates of the several parties shall be arranged as is now provided by law, except that the lists may be placed in horizontal or vertical columns, which parties may, if desired, be divided into parallel and contiguous rows or columns, and except that where presidential electors are to be voted for at any election, and the machine to be used will not carry the names of all candidates for such electors, then there may be placed on the ballot label the words "Presidential Electors," under the name of each political party.

Sec. 441. Sample ballot label.] Sec. 12. The officers or board charged with the duty of providing ballots and ballot labels for any polling place shall provide therefor two sample ballot labels, which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after official ballot labels are arranged for voting on election day. Such sample ballot labels shall be displayed for public inspection at such polling place during the day preceding election day.

Sec. 442. Four sets of ballot labels provided—Duty of officers in putting machine in order, etc.—Delivery of machine in room where election held—Duty of judges and clerks.] Sec. 13. Four sets of ballot labels for use in the voting machine shall be provided for each polling place for each election by the officer or officers now charged by law with the duty of furnishing such election precincts with ballots. In such manner shall be furnished also all other necessary material for the use of the voting machines. The same officer or officers shall, before the day of election, cause the proper ballot labels to be put on each machine corresponding with the sample ballot labels herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons and cause him or them to be paid in the same manner as other election officers are paid. And the same officer or officers shall cause the machine so labeled in order, set and adjusted to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same, in the room where the election is to be held in the precinct, not later than 6 o'clock p. m. of the day preceding the election. After the delivery of the machine and on the same day the judges and clerks of election of the precinct may meet at said room, open the package containing the sample ballots, and if necessary the ballot labels, and see that the machine is correctly labeled, set and adjusted ready for use in voting; and if the same is not labeled, set and adjusted and in order, they shall cause it to be done. On the morning of the election the election officers shall meet in the said room at least one hour before the time for opening the polls. They shall see that

the sample ballot labels and instruction cards are posted properly, and everything put in readiness for the voting at the hour of opening the polls. The officers shall compare ballot labels on the machine with the sample ballots, see that they are correct, examine and see that all the counters in the machine are set at naught or zero (0) and that the machine is otherwise in perfect order and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine.

Sec. 443. Irregular ballots.] Sec. 14. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office are herein referred to as irregular ballots. In voting for presidential electors a voter may vote an irregular ticket made up of the names of persons in nomination by different parties or partially of the names of persons so in nomination and partially of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

Sec. 444. With close of polls machine locked and counting compartment opened.] Sec. 15. As soon as the polls are closed the voting machine shall be locked against voting and the counting compartment opened in the presence of all the judges and clerks of election and all other persons who may be lawfully within the room, giving full view of the numbers announcing the votes cast for each candidate and for and against the various constitutional amendments, questions or other propositions.

Sec. 445. Ascertaining number of votes—Written statements to be signed by election officers—Irregular ballots—Machine to be locked for thirty days.] Sec. 16. The election officers shall then ascertain the number of votes which the candidates have received, both on the machine and by the voting of irregular ballots, if any, and one of the judges shall publicly announce in a distinct voice the total vote of each candidate thus ascertained in the order of the offices as their titles are arranged on the ballot label. He shall then announce in the same manner the vote on each constitutional amend-

ment, proposition or other question. Before leaving the room and before closing and locking the counting compartment, the election officers shall make and sign written statements or returns of such election, as now required by law. When irregular ballots have been voted they shall be returned, preserved and finally destroyed as is now provided by law in the case of other election ballots. The written statements or returns so made, after having been properly signed, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity shall be given to compare the results so certified with the counter dials of the machine. After such comparison and correction, if any such is made, the election officers shall then close the counting compartment and lock the same. Thereafter the machine shall remain locked for a period of at least thirty days unless otherwise ordered by a court of competent jurisdiction.

Sec. 446. Keys to be returned with written statement.] Sec. 17. When the machine is locked at the close of an election in the manner required by this Act, the judges shall place all keys of the machine on a single piece of flexible wire, unite the ends of such wire in a firm knot, label the same with the make and number of the machine and the precinct at which it was used at such election, and return such keys along with the written statement of returns of such election.

Sec. 447. Where machine supplied with recording device.] Sec. 18. A voting machine which possesses all the qualities required by this Act may be supplied in addition with any recording device on which all the votes registered on the mechanical counters will be separately recorded. When a machine is supplied with such device the same shall not be taken out or examined by the election officers who make the return (returns) from the precinct, but such machine shall be locked with such device therein and so remain for a period of at least thirty days unless within that time the machine shall be ordered open by some court of competent jurisdiction. At the end of thirty days such device may be taken out unless otherwise ordered by a court of competent jurisdiction.

Sec. 448. Penalty for person tampering with machine.] Sec. 19. Any person not an election officer or other public officer who shall tamper or attempt to tam-

per with such voting machine or voting machines, or in any way intentionally impair or attempt to impair its use, and any such person who shall be guilty of or shall attempt any dishonest practice upon any such machine, or with or by its use, shall be deemed guilty of a felony and shall be punishable by a fine of from \$100 to \$1,000, or by imprisonment for a term of from one to five years, or by both fine and imprisonment.

Sec. 449. Penalty for official tampering, etc., with machine.] Sec. 20. Any clerk or judge of an election or any other public officer authorized to take part in the holding of an election or in preparing for an election, who, with intent to cause or permit any voting machine to fail to register correctly all votes cast thereon; who tampers with or disarranges such machine in any way, or any part or appliance thereof, or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, with the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear on said machine that votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot label on said machine or any part thereof, or does any other thing intended to interfere with the validity of the election, shall be deemed guilty of a felony and upon conviction shall be imprisoned in the State prison not less than one year nor more than ten years, to which may be added a fine not exceeding \$1,000.

Sec. 450. Penalty for neglect of duty by public officer or election officer.] Sec. 21. Any public officer or any election officer upon whom any duty is imposed by this Act and who shall wilfully omit or neglect to perform such duty, or who shall do any act prohibited herein for which imprisonment is not otherwise provided herein, shall, upon conviction, be imprisoned in the State prison for not less than one year nor more than ten years, or be fined in any sum not exceeding \$1,000, or may be punished by both such imprisonment and fine.

Sec. 451. Provisions of election law not inconsistent

with Act apply.] Sec. 22. All the provisions of the election law not inconsistent with this Act shall apply to all the elections in the precincts where such voting machines are used. Any provisions of law which conflict with the use of such machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by the use of such machine or machines.

WHEREAS, Under the authority reposed in them, by this statute, the Board of election Commissioners of the city of Chicago did, in July, 1911, contract to purchase one thousand (1,000) voting machines for use in the city of Chicago; and

WHEREAS, The extreme dissatisfaction caused by their, the said Election Commissioners' alleged gross disregard for the provisions of the foregoing statute, and their alleged lack of respect for the rights of the voters of the entire State of Illinois, and the tax payers of the city of Chicago, in making said purchase, did cause an investigation to be made and a protest to be filed by the "Chicago Bureau of Public Efficiency" with the mayor and aldermen of the city of Chicago, as follows:

"To the Mayor and Aldermen of the City of Chicago:

Your Honorable Body is again called upon to take official cognizance of the ill-advised and extravagant contract made by the Board of Election Commissioners in July, 1911, for the purchase of 1,000 voting machines, the contract price of which amounts in the aggregate to \$942,500. The election commissioners are requesting the council to include in its appropriations for 1913 an item of \$282,750 to be used for the payment of 300 of these machines. The first 300 machines delivered, the contract price of which was \$188,500, have already been paid for under an appropriation made in 1912. The remaining 500 machines have not been delivered. If these 500 machines are delivered and have to be paid for by the city, it will be necessary for the council to appropriate within the next two years a total of \$754,000 (including the appropriation now sought) for the purpose of paying for voting machines, which the Supreme Court of Illinois has recently decided do not comply with the requirements of the voting machine statute.

In compliance with the request of the election commissioners, the finance committee has included in the ap-

propriation ordinance submitted to the council December 30, 1912, the following item:

“Voting machines and trucks—

300 voting machines, at \$942.00 each.....	\$282,750.00
All other items.....	585.00

Subject to payment by judgment or issuance

of certificates\$283,335.00”

It further appears from the ordinance that this sum of \$283,335.00 is not appropriated from the corporate fund, but that it is “appropriated subject to judgment or issuance of certificates.” No fund, however, is designated from which either judgments or certificates can be paid. Under these circumstances it is clear in what manner the council intends this \$283,335.00 shall be paid in case judgment is rendered or certificates are issued.

In this connection it should not be overlooked, however, that the contract price of these machines is to be regarded as an “expense” incurred by the election commissioners. This is the view taken by the corporation counsel in his opinion rendered January 29, 1912. Section 1 of Article VII of the city election law provides that “such expenditures shall be paid by the city treasurer * * * out of any money in the city treasury not otherwise appropriated.” Attention is directed to the fact that the city’s traction fund is “money in the treasury not otherwise appropriated” and out of which it is possible the holders of voting machine certificates or warrants might enforce their claims.

The Chicago Bureau of Public Efficiency believes that the council should take notice of this situation and should refuse to appropriate further for these machines, which were purchased by the Board of Election Commissioners without consultation with the council and in utter disregard of the policy of caution demanded by the interests of the taxpaying public.

THE 1911 INVESTIGATION AND REPORT OF THE BUREAU.

When it was learned in May, 1911, that the Board of Election Commissioners were planning to make a contract for the purchase of voting machines, the Chicago Bureau of Public Efficiency made an investigation of the

subject. This investigation disclosed the fact that the voting machine was still in the experimental stage and that there were numerous objections to the purchase of a large number of such machines. In a report issued at that time the bureau stated:

The Chicago situation presents unusual obstacles to the successful use of voting machines. Among these are the long ballot made necessary by the large number of offices to be filled at some elections; the group voting for certain offices, such as judges and county commissioners; and the system of cumulative voting for members of the lower house of the General Assembly, which is peculiar to Illinois. The fact that women may vote for university trustees, but not for other officers requires a restrictive device that introduces additional complications. The long ballot necessitates the use in Chicago of a larger and heavier machine than is required in other cities that have adopted voting machines. The size and weight of the machine cause it to present problems of transportation, of storage and of setting up in the voting booth. There are special complexities due to the use of the voting machine at a preliminary election at which nominations are to be made for a large number of offices.

Aside from the mechanical operation of the machine itself, there are other elements of uncertainty connected with the use of voting machines that call for experimentation and caution. It cannot be told until the actual trial is made how rapidly the voting can be done by machine, even assuming the mechanism to operate perfectly so far as all except the human element is concerned. This bureau learns that in Minneapolis, where voting machines are in use, the voting has been so much slower than anticipated that it has been found necessary to install two machines to a precinct of 600 voters, instead of one. The Illinois law contemplates a single machine to a precinct of 600 voters. Then there are the problems of transportation and storage and the proper setting of the machines in the booths. Three of these machines will make a truck load and it will require at least three men to handle one. Skilled persons will be required to set them up when taken from the storage room to the voting booth. It would seem that the Board of Election Commissioners ought to acquire experience

in handling 50 or 100 machines before undertaking the burden of managing 1,200. This experience, moreover, should be in connection with the most trying elections, such as the primary of April, 1912, and the election of the following November, when the long ballot must be voted.

Inquiries made at that time disclosed the fact also that although the city of Chicago would be expected to make provision for paying for the machines to be purchased, the financial officers of the city had not been consulted in regard to the matter and further that prior Boards of Election Commissioners had secured appropriations from the city council before taking steps looking to the purchase of voting machines. In this connection it was pointed out that although the plans of the present board contemplated the expenditure of approximately \$1,000,000, no prior board had deemed it wise to consider an initial expenditure in excess of \$100,000.

As a result of this investigation, it seemed obvious, in view of the difficulties and uncertainties which existed, that ordinary business prudence demanded a policy of experimentation and caution on the part of the election commissioners. The main conclusions reached by the bureau was summarized in its report as follows:

1. The number of voting machines to be purchased in the near future should be limited to one hundred at the most; and the purchase of a greater number of machines should be postponed until after trial at the primaries of April, 1912, and at the election of November, 1912, of such limited number of machines.

2. The Board of Election Commissioners should seek to secure the co-operation of the financial authorities of the city in advance of action looking to the purchase of voting machines, whatever the amount involved.

THE CONTRACT OF 1911 AND THE APPROPRIATION OF 1912.

In the face of the situation above set forth, of which they were fully advised, and notwithstanding the adverse comments of the public press, the Board of Election Commissioners and the Empire Voting Machine Company disregarded every principle of business prudence, and in July, 1911, entered into the contract mentioned for the purchase of 1,000 machines.

When the 1912 appropriation ordinance was before

the council, that body was asked to appropriate \$188,500 for the payment of 200 of the machines. While the matter was still pending, the bureau, on February 5, 1912, petitioned the council not to make any appropriation "unless it (the contract) should be modified (1) to provide for the delivery of not to exceed 100 machines on the first installment, and (2) to relieve the board from the obligation to take 1,000 machines if those delivered on the first installment shall not prove satisfactory when placed in use." This suggestion on the part of the bureau was disregarded. The appropriation asked for was made and the 200 machines were delivered and paid for.

At the time the council was considering this appropriation of \$188,500, it had before it, however, the opinion of the corporation counsel in which he advised that it was "incumbent on the city of Chicago to pay the obligations incurred by the Board of Election Commissioners in buying such voting machines." It is perhaps fair to assume that many of the aldermen voting for that appropriation believed it their duty to do so on the advice thus given by the corporation counsel.

THE PRESENT SITUATION.

The situation at the present time differs radically from that which existed in January and February, 1912. The corporation counsel in his opinion then rendered confined himself to the question of the liability of the city to pay the "obligations" incurred by the Board of Election Commissioners. At that time no opportunity had been afforded to test the machines at either a primary or a general election. He assumed apparently that the voting machines contracted for and to be delivered would meet the requirements of the voting machine law and that, when such machines were accepted by the Board of Election Commissioners, a binding obligation would be incurred.

The voting machine statute is explicit on the point that no voting machine shall be purchased unless it is so constructed as to meet all the requirements specified in that act, among which is the requirement that "each elector can understandingly and within the period of one minute cast his vote for all candidates of his choice." The

Board of Election Commissioners is given no power to purchase any machine which does not meet this requirement and it seems obvious that, if the board were to make a contract for a machine which did not meet the above requirement, the contract so made would not create a binding obligation on the city because of the lack of power in the board to make such a contract. It would seem equally clear that, no matter what may be the terms of the contract made by the board, if the machine itself when delivered does not, in fact, meet the requirements of the voting machine statute, the city would not be bound. Attention is called, however, to the contract under which the machines in question were purchased. By its terms the company "agrees that each machine so furnished shall in all respects comply with all the requirements of the statutes of Illinois now in force relating to the use of voting machines."

If it be said that the Board of Election Commissioners has accepted the machines and in so doing has found that they meet the requirements of the statute, it is sufficient answer to say that the finding of the board in this respect is not conclusive and that in the case of these particular machines the board has only recently been overruled by the Supreme Court of the State.

THE DECISION OF THE SUPREME COURT.

On December 17, 1912, the Supreme Court handed down an opinion in the case of the *People ex rel Hull v. Taylor et al.*, in which it holds that the voting machines, for the payment of which an appropriation is now asked, do not comply with the voting machine statute in that they are not so constructed that each elector can understandingly, and within the period of one minute, cast his vote for all candidates of his choice." Moreover, the decision in this case requires the election commissioners to furnish ballot boxes and paper ballots in all precincts.

In its opinion in the foregoing case, the court said:

It is insisted on behalf of the respondents (the election commissioners) that the action of the board of voting machine commissioners and the Board of Election Commissioners in determining that the voting machines complied with the requirements of the law in this particular

should be held conclusive upon this question; that the powers conferred on these officers require the exercise of judgment and are discretionary in their character, and that their determination of the question of fact is final. If a discretionary power is exercised so as to produce a manifest injustice, the courts may interfere to require its due exercise and prevent a public wrong. * * *

If votes cannot, in fact, be cast upon the machines within the time allowed by law, their use will result in some voters being deprived of their votes. Such an injustice, if clearly shown, will justify the interference of the court to afford a remedy by *mandamus*. It is alleged in the answer that the voting machines in question have been in satisfactory use in various cities of different States for a number of years, and that arrangements have been made for the instruction on the day of election, and before that day, of voters in the use of the machine. On the argument of the cause one of the machines was present and demonstrations of the manner of its use were made by various persons. Fifty-three officers were to be voted for besides the presidential electors, and there were three public policy questions and four propositions to issue bonds. There were party nominations by six parties, although one was for a part only, of the offices. It is easy to vote a straight party ticket on the machine. It can be done in a few seconds. An expert in the use of the machine can vote a split ticket, even as large as the ticket at the November election, in one minute. *The requirement of the statute, however, is that "each elector can, understandingly, and within the period of one minute, cast his vote for all candidates of his choice."* "Each elector" does not mean here absolutely every elector, for a voter may be blind or crippled so as to be physically unable to use the machine, and the statute provides for such a condition, but the term does include at least every elector of ordinary intelligence having the reasonable use of his faculties and members. If the voter must be a trained expert—if he must be a man of more than ordinary intelligence, keenness of vision or alertness of motion—in order to be able to vote as he wishes within a minute, then the machine which requires these things of him does not comply with the law. *As a matter of fact, we find that the machine does not comply with the law in enabling the voter understandingly to cast his*

vote in one minute. It is not enough that one voter or many voters can possibly, by strenuous effort, vote for the candidates they desire in one minute. It is necessary, at least, that the average voter who wishes to vote for candidates upon two or more or all of the various tickets can by a reasonable effort be surely able to cast the vote he desires to cast, within the time allowed him by law for doing so. We take into consideration the action and finding of the board of voting machine commissioners and the Board of Election Commissioners as well as our own observation, and *we are constrained to find that the machines do not comply with the law in respect to the time within which votes can be cast, and that their use, if voters were allowed only one minute to vote, would result in the disfranchisement of many electors.*

CONCLUSION.

In entering into a contract for the purchase and sale of 1,000 voting machines, the Board of Election Commissioners and the Empire Voting Machine Company chose to disregard not only the interest of the taxpaying public, but the counsel of caution and the principle of ordinary business prudence. They acted with their eyes open. There are no equities to be considered or preserved.

It is the opinion of the Chicago Bureau of Public Efficiency that there is no legal liability on the part of the city to pay for the voting machines in question. The bureau believes that any appropriation by the council would not only be illegal, but because of the flagrant wrong resulting to the community from the transaction, would expose the members of the council to severe criticism,

The bureau, therefore, respectfully petitions the city council not to make any appropriation for the payment of said voting machines. It submits that the claim of the Empire Voting Machine Company should not be recognized by a contingent appropriation or in any other form. The bureau further petitions the council to adopt an order directing the corporation counsel to contest

vigorously any suit or proceeding which may be brought to enforce payment for any of said machines.

Respectfully submitted,

CHICAGO BUREAU OF PUBLIC EFFICIENCY.

JULIUS ROSENWALD,
Chairman.

HARRIS S. KEELER,
Director.

Chicago, January 1, 1913; and

WHEREAS, It is alleged that the State Board of Voting Machine Commissioners, the Board of Election Commissioners of the city of Chicago and the Empire Voting Machine Company, entered into a conspiracy to qualify the Empire Voting Machines, contrary to the provisions of the election law; and it is further alleged that the Board of Election Commissioners of the city of Chicago and the Empire Voting Machine Company entered into a conspiracy to defraud the taxpayers of the city of Chicago, of a sum of money alleged to fall little short of four hundred thousand (\$400,000) dollars, by agreeing to a purchase price of nine hundred and forty-two thousand, five hundred (\$942,500) dollars in the aggregate, to be paid to the Empire Voting Machine Company, by the city of Chicago for the delivery of one thousand (1,000) Empire Voting Machines, to the said Board of Election Commissioners of the city of Chicago; and

WHEREAS, It is alleged that the Empire Voting Machines can be manipulated at will for the purpose of fraudulent voting, and are wholly inadequate for the uses as specified in the statutes, and it is further alleged that after having been used and fairly tried in Omaha, Burlington, Cleveland, Denver, Detroit, Los Angeles and in more than fifty cities in New Jersey, these machines have been discarded as inefficient, because wholly unsafe, cumbersome and subject to fraudulent manipulation; and

WHEREAS, It is alleged that there exists a gigantic conspiracy, engineered by the shrewd intelligence of powerful and corrupt influences, to use the election machinery of the city of Chicago, through and by the further use of the said Empire Voting Machines, that in the end, city, county, State and national elections may be absolutely controlled or materially influenced; and

WHEREAS, Great scandal has resulted by these persis-

tent and repeated allegations of fraud, directed at the election machinery of the city of Chicago; and

WHEREAS, The city of Chicago casts approximately forty (40) per cent of the vote of Illinois; the entire electorate of this State stands in eminent danger of disfranchisement in general elections, should these allegations be true; and

WHEREAS, It is alleged that the peculiar political and governmental conditions now existing in the city of Chicago and county of Cook precludes the possibility of a thorough and impartial investigation as to the facts by the local authorities; and

WHEREAS, There appears to be ample ground for a thorough, searching, exhaustive and impartial investigation of the alleged scandalous conditions; therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein, That a joint committee of twelve (12) shall be appointed, six (6) to be named by the chairman of the Committee on Elections of the House of Representatives, and six (6) to be named by the Senate; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the official conduct and acts of the State Board of Voting Machine Commissioners, the Board of Election Commissioners of the city of Chicago, and any and all of the official conduct and acts of all of the election officers of the city of Chicago, and the county of Cook, in whatsoever capacity heretofore or now employed; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the contract entered into between the Board of Election Commissioners of the city of Chicago or its agents and the Empire Voting Machine Company, its agents, trustees, assigns, heirs or receivers; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the organization, creation, incorporation or establishment of the Empire Voting Machine Company, for the purpose of ascertaining the identity of its stockholders, officers, owners, trustees, agents, heirs, assigns or receivers; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination into the work-

ings, mechanism, efficiency, quality, material, manufacture, cost and sale price of the Empire Voting Machines; that this committee be, and is, hereby authorized and empowered to make searching investigation and exhaustive examination of any and all matters of whatsoever nature referred to, in the foregoing preamble and this resolution proper; that this committee be and is hereby authorized and empowered to issue subpoenas for the purpose of compelling witnesses to attend upon their deliberations and compel said witnesses to answer their inquiry, and to issue subpoenas for the purpose of compelling the production into their hands of any and all books, papers, writings, documents, records, machines, instruments, tools or whatsoever objects, utensils or things that they may deem necessary to carry out the provisions of this resolution; that this committee be, and is, hereby authorized and empowered to employ such assistance as they deem necessary to carry out the provisions of this resolution; however, no State moneys, now or hereafter appropriated for expense incurred under the provisions of this resolution, shall be spent outside the boundaries of this State, except that foreign witnesses coming before this committee may be reimbursed as to their actual transportation expenses only, or for the purpose of actual expense incurred in having any depositions taken by others than the members of this committee, outside the boundaries of this State; and be it further

Resolved, That this committee be and is hereby authorized and empowered to make their investigations and examinations to cover a period, dating from January 1, 1903, to and including the conclusion of their deliberations; that this committee be, and is, hereby authorized, empowered and instructed to report its findings with its recommendations to any special session of this General Assembly, or, and not later than the 49th General Assembly.

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